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THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-EIGHTH (EXTRA) SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA
1910.

Began on Tuesday, September Sixth, and ended on Friday,
September Ninth; and Monday, October Third, and ended
on October Fifth, Nineteen Hundred and Ten.



SACRAMENTO:
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1911

THE
JOURNAL OF THE SENATE

THIRTY-SEVENTH SESSION, 1910

LEGISLATURE OF THE STATE OF CALIFORNIA

1910

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Under the authority of the Senate, and the House of Representatives.
Approved by the Senate, and the House of Representatives, on the 1st day of January, 1910.



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DAILY JOURNALS OF THE SENATE

THE SENATE OF THE UNITED STATES

OF THE UNITED STATES

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-EIGHTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER.

Tuesday, September 6, 1910.

The Senate met at ten o'clock A. M., in pursuance to the proclamation of His Excellency, J. N. Gillett, Governor of the State of California, dated August 23, 1910, convening the Legislature of the State of California in extraordinary session.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair by virtue of Section 238, Article II of the Political Code.

Pursuant to Section 237, of Article II of the Political Code, Lewis A. Hilborn, Secretary of the Senate; W. H. Wright, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant Governor Warren R. Porter now called the Senate to order.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

LEAVES OF ABSENCE.

On motion of Senator Leavitt, Senators Curtin, Sanford, Campbell, and Cartwright were granted leave of absence for this day.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Lewis A. Hilborn, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR, CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT.

WHEREAS, an extraordinary occasion has arisen, and is now existing, requiring the Legislature of the State of California to convene.

Now, therefore, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by Section 9, Article V of the Constitution of the State of California, do hereby convene the Legislature to meet and

assemble in extraordinary session at Sacramento, California, on Tuesday, the sixth day of September, 1910, at ten o'clock A. M. of that day, for the purpose of proposing to the people of the State of California constitutional amendments to be voted upon at the next general election, upon the following subjects, to wit:

First—The raising of the sum of five million dollars by the State of California for the purpose of assisting in the establishing, maintaining and supporting the Panama-Pacific International Exposition to be held in the city and county of San Francisco, in the year A. D. 1915, and providing for a State commission to have the exclusive charge and control of said sum of money, and to expend and disburse it for such purposes, acting in conjunction with the directors of said exposition; also providing that the said Panama-Pacific International Exposition be exempt from all taxes and from all license fees and charges.

Second—Authorizing the city and county of San Francisco to amend its charter by a vote of its electors at either a special or general election, without submitting such amendments to the Legislature of the State of California for ratification and approval, for the following purposes, to wit:

(a) Incurring a bonded indebtedness which shall be exclusive of the bonded indebtedness now permitted by said charter, in an amount not exceeding five million dollars, and to grant and to turn over to the Panama-Pacific International Exposition Company (a corporation organized and existing under the laws of the State of California) the proceeds of said bonds, the same to be used and disbursed by said exposition corporation for the purpose of an exposition to be held in the city and county of San Francisco, to celebrate the completion of the Panama Canal.

(b) Authorizing said Panama-Pacific International Exposition Company to use and occupy that portion of Golden Gate Park westerly from Twentieth avenue, as extended, for said exposition purposes, and placing such portion of said park under the control of said corporation, for such time as shall be necessary for such exposition purposes.

(c) Authorizing said Panama-Pacific International Exposition Company to use and occupy for such exposition purposes any lands held by the Board of Education of the city and county of San Francisco and by the city and county of San Francisco, and not then in actual use.

(d) Authorizing said Panama-Pacific International Exposition Company to open, close and occupy streets in said city and county of San Francisco, westerly from Twentieth avenue, for exposition purposes.

In witness whereof, I have herewith set my hand and caused to be affixed herewith the great seal of the State of California, at my office in the State Capitol, this twenty-third day of August, in the year of our Lord one thousand nine hundred and ten, and of the admission of the State of California, the sixtieth.

J. N. GILLETT,

Governor of the State of California.

[SEAL.]

Attest: CHAS. F. CURRY,
Secretary of State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Willis:

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read, and adopted.

By Senator Stetson:

Resolved, That Hon. Edward I. Wolfe be and he is hereby elected President pro tem. of the Senate; that Lewis A. Hilborn be and he is hereby elected Secretary of the Senate; that J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate; that W. H. Wright be and he is hereby elected Minute Clerk of the Senate; that Rev. Father H. H. Wyman be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Estudillo, Hare, Harman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Prie, Reilly, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator Price:

Resolved, That the standing rules of the thirty-eighth regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Paragraph VIII be amended to read as follows:

VIII. The standing committees of the thirty-eighth regular session shall be the standing committees of this extra session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Escudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCarthy, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Wood, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

By Senator Wright:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—W. H. Wright.

Chaplain—Rev. Father Henry H. Wyman.

Resolution read, and adopted.

By Senator Wolfe:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business, and to receive any communication he may have to make.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Wolfe, Stetson, and Miller as such committee.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until ten o'clock and fifty-five minutes A. M., of this day.

RECONVENED.

At ten o'clock and fifty-five minutes A. M., the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

WOLFE, Chairman.

APPOINTMENTS BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following Pages: H. A. van Coenen Torchiana, Jr., and Frank Branch.

APPOINTMENT BY THE SECRETARY OF THE SENATE.

To the Officers and Members of the Senate of the State of California:

I have the honor to inform you that I have this day appointed Frank Mattison to the position of Assistant Secretary, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,
Secretary of Senate.

On motion of Senator Leavitt, the Senate consented to the above appointment by the Secretary of the Senate.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Estudillo:

Resolved, That the following named persons be and are hereby elected to the positions set opposite their respective names:

Theodore Lafayette	Assistant Minute Clerk	\$6 00
H. P. Travers	Assistant Secretary	6 00
R. Lyon	Journal Clerk	6 00
J. G. McCall	Assistant Sergeant-at-Arms	5 00
J. P. Frazier	Assistant Sergeant-at-Arms	5 00
L. A. Johnson	Gate Keeper	3 00
H. F. Emlay	Gate Keeper	3 00
J. P. Devine	Gate Keeper	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator Boynton:

Resolved, That when the Senate adjourn this day it do so in respect to the memory of Mr. E. A. Warren, deceased member of the Board of Trustees of the State Normal School at Chico.

Resolution read, and adopted.

ASSEMBLY MESSAGE.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 6, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is in session, pursuant to the proclamation of His Excellency the Governor, dated Tuesday, August 23, 1910, and ready for transaction of legislative business, with the following officers:

Speaker—Hon. P. A. Stanton.
Speaker pro tem.—Hon. Geo. M. Perine.
Chief Clerk—Clio Lloyd.
Minute Clerk—H. A. Harker.
Sergeant-at-Arms—J. T. Stafford.
Assistant Clerk—T. G. Walker.
Journal Clerk—Wm. Nye.
Chaplain, W. C. Sherman.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

STATEMENT.

On request of Senator Anthony, the following statement was ordered printed in the Journal:

STATEMENT REGARDING \$10,000,000 TO BE PROVIDED FOR PANAMA-PACIFIC EXPOSITION.

The Panama-Pacific International Exposition Company holds that the Panama-Pacific Exposition and World's Fair, to be held at San Francisco in 1915, to celebrate the completion of the Panama Canal, can not succeed unless, in addition to the \$7,500,000 recently subscribed in San Francisco, both an additional \$5,000,000 be raised for the exposition in the next four years by California state taxes, and a further \$5,000,000 be contributed to the exposition company by the city and county of San Francisco, which shall assume a bonded indebtedness for that amount.

It is to be noted that San Francisco already has bonded debts as follows: (issued) \$23,000,000 bonds, for municipal improvements and municipal ownership, for which the city of San Francisco is being taxed to pay off both principal and interest; (authorized) \$45,000,000 bonds, to complete the Hetch Hetchy water supply system for San Francisco, for which the city will soon be taxed to pay off both principal and interest; (to be voted on in November, 1910) \$10,000,000 bonds, for the Islais Creek project to provide San Francisco with an inner harbor. Though the Islais Creek bonds will be paid for out of the harbor dues, yet San Francisco will bear the greater part of the expense, also additional millions of bonds are contemplated for important and necessary municipal improvements and amenities, including tunnels under Twin Peaks and Stockton street, also parks, boulevards, children's playgrounds, and public buildings.

Under the call for this extra session, San Francisco will issue \$5,000,000 of bonds for exposition purposes, principal and interest to be paid by the city. Also under the call for this extra session, the entire State of California will be taxed \$5,000,000 in four years for exposition purposes. However, since San Francisco pays one-fifth of the taxes of the State of California, therefore, in the four years San Francisco will pay \$1,000,000 of the \$5,000,000 to be raised by state taxation (this in addition to the \$5,000,000 of San Francisco bonds for exposition purposes, making \$6,000,000 in taxes from San Francisco for exposition purposes).

The public spirited individuals and concerns enjoying large incomes, and interested in, or who will be benefited by, the exposition, recently subscribed \$7,500,000; but, in order to assure success, it transpires that those who will not be benefited by the exposition must contribute taxes. This means the small taxpayers, the small property holders of San Francisco and of the State.

Taxes fall heaviest upon the small property holders and those of limited means. They have to provide for their families and for their health and education. They may have debts. They may have sickness and other emergencies. They are burdened with every added dollar of taxes. Yet, under the new order of things, the small property owners may find their taxes doubled. These are the taxpayers of the State who will feel the weight of the taxes, whether in the cities or on the farms, whether in San Francisco or elsewhere.

A few years ago, San Francisco had one of the lowest tax rates under the dollar limit; but the indications are that San Francisco not only will have one of the highest tax rates, but also that the small property holders of San Francisco will soon find themselves helplessly mortgaged.

I earnestly advocate that the exposition be held; but these conditions are serious and should be understood.

REGULAR ORDER OF BUSINESS.

Senator Wolfe moved that the Senate do now proceed with the regular order of business.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Wolfe: Senate Constitutional Amendment No. 52—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the state treasury.

Senate constitutional amendment referred to Committees on Judiciary and Finance, said committees to act jointly.

By Senator Welch: Senate Constitutional Amendment No. 53—A

resolution to propose to the people of the State of California an amendment to the Constitution of the State of California authorizing the city and county of San Francisco to amend its charter in aid of Panama-Pacific International Exposition and to that end amend Article XI of said Constitution by adding a new section thereto, to be known as Section 8a.

Senate constitutional amendment referred to Committees on Judiciary and Finance, said committees to act jointly.

By Senator Leavitt: Senate Bill No. 1—An Act making an appropriation for the contingent expenses of the thirty-ninth session of the Legislature.

Bill read first time, and referred to Committee on Finance.

RUSH ORDERS TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for the printing of Senate Constitutional Amendments Nos. 52 and 53 and Senate Bill No. 1.

RECESS.

At eleven o'clock and ten minutes A. M., on motion of Senator Wright, the President declared the Senate at recess until two o'clock P. M., of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

By Committee on Contingent Expenses:

SENATE CHAMBER, SACRAMENTO, September 6, 1910.

MR. PRESIDENT: Your Committee on Contingent Expenses beg leave to present the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Officers.		Mileage.	Amount.	
President—	Warren R. Porter.....	358	\$35 80	
Secretary—	Lewis A. Hilborn.....	180	18 00	
Minute Clerk—	W. H. Wright.....	918	91 80	
Sergeant-at-Arms—	J. Louis Martin.....	168	16 80	
Dist.	Senator.	Address.	Mileage.	Amount.
24—	Anthony	San Francisco	180	\$18 00
36—	Bell	Pasadena	914	91 40
7—	Bills	Sacramento	2	20
3—	Birdsall	Auburn	74	7 40
28—	Black	Palo Alto	246	24 60
6—	Boynton	Oroville	172	17 20
25—	Burnett	San Francisco	180	18 00
10—	Caminetti	Jackson	118	11 80
31—	Campbell	San Luis Obispo	686	68 60
26—	Cartwright	Fresno	338	33 80
12—	Curtin	Sonora	250	25 00
1—	Cutten	Eureka	624	62 40
39—	Estudillo	Riverside	1,024	102 40
17—	Finn	San Francisco	180	18 00
23—	Hare	San Francisco	180	18 00
22—	Hartman	San Francisco	180	18 00
29—	Holohan	Watsonville	358	35 80

Dist.	Senator.	Address	Mileage.	Amount.
37—	Hurd	Los Angeles	\$94	\$89 40
20—	Kennedy	San Francisco	180	18 00
16—	Leavitt	Oakland	168	16 80
11—	Lewis	Stockton	96	9 60
9—	Martinelli	San Rafael	210	21 00
38—	McCartney	Los Angeles	\$94	\$9 40
32—	Miller	Visalia	412	41 20
8—	Prieo	Santa Rosa	180	18 00
18—	Reily	San Francisco	180	18 00
33—	Roseberry	Santa Barbara	920	92 00
5—	Rush	Suisun	82	8 20
4—	Sanford	Ukiah	300	30 00
34—	Savage	San Pedro	954	95 40
15—	Stetson	Oakland	168	16 80
13—	Strobridge	Hayward	126	12 60
35—	Thompson	Alhambra	906	90 60
27—	Walker	East San Jose	256	25 60
2—	Weed	Weed Station	514	51 40
19—	Welch	San Francisco	180	18 00
30—	Willis	Redlands	1,036	103 60
21—	Wolfe	San Francisco	180	18 00
40—	Wright	San Diego	1,146	114 60

And respectfully recommend that it do pass.

WOLFE, Chairman.

RESOLUTION READ.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Catten, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reily, Roseberry, Savage, Stetson, Thompson, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

By Senator Willis:

Resolved, The following named persons be and are hereby elected to the positions set opposite their respective names:

Miss Eva Rickard, Stenographer	\$5 00
Fred Krueger, Stenographer	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Birdsall, Boynton, Burnett, Caminetti, Catten, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, Reily, Roseberry, Savage, Thompson, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

RECESS.

At two o'clock P. M., on motion of Senator Wright, the President pro tem. declared the Senate at recess until five o'clock P. M., of this day.

RECONVENED.

At five o'clock P. M., the Senate reconvened.

Senator Leavitt of the Sixteenth District in the chair.

REPORT OF STANDING COMMITTEES.

The following report of standing committees was received and read:

ON FINANCE AND ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, September 6, 1910.

MR. PRESIDENT: Your Committees on Finance and Judiciary, to whom was referred Senate Constitutional Amendment No. 52—A resolution to propose to the

people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the State treasury—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass as amended.

LEAVITT, Chairman.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 52 was taken up for consideration.

Senate Constitutional Amendment No. 52—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the State treasury.

During the reading of the Senate constitutional amendment, the following amendments were submitted by committee:

Amend by adding after the word "including," on line 88, page 3, the following: "The time and".

Amendment adopted.

Also:

By inserting after the word "fund," on line 96, page 4, the following: "The Commission herein created is authorized and directed to make proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share equally with other subscribers to the said Panama-Pacific International Exposition in the profits arising from the holding of the said exposition at the city and county of San Francisco."

Amendment read.

During the reading of the amendment the following amendments to the amendment were offered by Senator Wolfe:

In line 6 of the amendment strike out the word "other".

Amendment adopted.

Also:

In line 7 of the amendment strike out the words "profits arising" and insert in lieu thereof the "returns".

Amendment adopted.

The amendment as amended was adopted.

Also:

By inserting after the word "which," in line 88, page 3, the following: "The terms and conditions upon which."

Amendment adopted.

Also:

Amend by striking out of line 49, on page 2, the following: "As the same existed," and insert in lieu thereof the words: "Subject to taxation."

Amendment adopted.

Also:

Amend on page 3, line 86, by striking out the period after the word "fund" and insert in lieu thereof the following: " ; provided, however, that".

Amendment adopted.

Also:

Amend on page 3, line 87, by striking out of the word "The" the capital T and insert in lieu thereof the letter "t".

Amendment adopted.

Also:

Amend on page 2, line 47, by striking out the word "all" and insert in lieu thereof "every kind and character of".

Amendment adopted.

Also:

Amend page 2, line 48, by striking out the words "of every kind and character."

Amendment adopted.

Also:

Amend page 3, between lines 78 and 79, by adding the following "The Governor shall have the power to fill all vacancies occurring at any time in said commission."

Amendment adopted.

Also:

Amend on page 3, line 81, after the word "four" by inserting the word "other".

Amendment adopted.

And:

Striking out on line 65, page 3, all after the word "exposition" down to and including the word "exposition" on line 69, including the period.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Burnett, Catten, Hartman, Heald, Leavitt, Martinelli, Price, Reily, Roseberry, Savage, Stetson, Thompson, Wood, Welch, Willis, Wolfe, and Wright—20.

NOES—Senators Caminetti, Campbell, Cartwright, Curtin, Holohan, and Sanford—6.

The following amendment was offered by Senator Caminetti:

Add at end of line 86, page 3:

All moneys arising from the taxes levied and collected under the provisions of this section shall be expended on exhibition buildings of a permanent character on lands to be purchased by the State for that purpose and after the use thereof for exhibition purposes has ceased, be devoted to such public use as may be provided for by the Legislature.

Amendment lost.

Senate Constitutional Amendment No. 52 ordered to print and on file.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

ON FINANCE AND ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, September 10, 1910.

MR. PRESIDENT: Your Committees on Finance and Judiciary, to whom was referred Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, authorizing the city and county of San Francisco to amend its charter in aid of Panama-Pacific International Exposition, and to that end amending Article XI of said Constitution by adding a new section thereto, to be known as Section 8a have had the same under consideration, and respectfully report the same back with the recommendation that it do pass as amended.

LEAVITT, Chairman.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 53 was taken up for consideration.

Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, authorizing the city and county of San Fran-

cisco to amend its charter in aid of Panama-Pacific International Exposition, and to that end amending Article XI of said Constitution by adding a new section thereto, to be known as section 8a.

During the reading of the Senate constitutional amendment, the following amendment was submitted by committee:

In line 1, page 1, of the printed amendment, after the word "legislature," insert the words "of the State of California."

Amendment adopted.

Senate Constitutional Amendment No. 53 ordered to print and on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, September 6, 1910.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1—An Act making an appropriation for the contingent expenses of the Senate for the thirty-ninth session of the Legislature—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 1 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bill was introduced:

By Senator Wolfe: Senate Bill No. 2—An act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 2, and Senate Constitutional Amendments Nos. 52 and 53.

ADJOURNMENT.

At six o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned until ten o'clock A. M., Wednesday, September 7, 1910.

IN SENATE.

SENATE CHAMBER,

Wednesday, September 7, 1910.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy,

Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Wood, Welch, Willis, Wolfe, and Wright.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, September 6, 1910, the further reading was dispensed with on motion of Senator Estudillo.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Leavitt, granted leave of absence for this day.

COMMUNICATIONS.

The following communication was read and ordered printed in the Journal:

SAN FRANCISCO, September 6, 1910.

HON. P. H. MCCARTHY, *Mayor City and County of San Francisco, Senate Chamber, Sacramento, Cal.*

The following resolution was adopted unanimously by the Board of Supervisors to-day:

Resolved, That the Board of Supervisors of the City and County of San Francisco urges the adoption by the Legislature now in special session of the amendments to the Constitution proposed in the interest of the Panama-Pacific Exposition. Let the representatives of the State be assured that the people of the city are thoroughly in earnest in their determination to fittingly celebrate the completion of the Panama canal and that they are willing to meet their full share of the expenses both as residents of San Francisco and citizens of the State.

W. R. HAGGERTY.

Clerk Board of Supervisors.

SACRAMENTO, CAL., September 6, 1910

HON. WARREN R. PORTER, *Lieutenant Governor of California, Sacramento, California.*

DEAR SIR: By resolution of the Board of Directors of the State Agricultural Society, I am requested to invite you and all the members of the Senate to visit the State Fair, now in progress in Sacramento, as guests of said Directors to-morrow (Wednesday) afternoon at two o'clock. Please have this invitation read at the desk, with a request that we be notified promptly of the members' action thereon, in order that arrangements may be made by our Directors to meet them at the State Capitol and escort them in a body to the Fair grounds.

Anticipating a prompt and favorable reply, I beg to remain, on behalf of the Directors of the State Agricultural Society,

Very respectfully,

J. A. FILCHER, Secretary.

Invitation read.

On motion of Senator Wolfe, the invitation was accepted.

REPORT OF STANDING COMMITTEE.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, September 7, 1910.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Senate Bills Nos. 1 and 2 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 1—An Act making an appropriation for the contingent expenses of the Senate for the thirty-ninth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also: Senate Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE.

SENATE CONSTITUTIONAL AMENDMENT No. 52.

resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the state treasury.

The Legislature of the State of California, at its extraordinary session of the thirty-eighth session, commencing on the sixth day of September, 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 22 of Article IV of the Constitution of the State of California be amended to read as follows:

"Section 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State; nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have at any time the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature."

Provided, however, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition of commemoration of the completion of the Panama Canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an *ad valorem* rate of taxation, as when levied upon all the taxable property in the State, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon all property in the State of California, of every kind and character, not exempt from taxation under the law, as the same existed on the 1st day of July, 1910, and in the same manner, and by the same method, as other State taxes were levied, assessed, and collected under the law, as the same existed on the 1st day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama-Pacific International Exposition Fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama-Pacific International Exposition; *provided, however*, that no tax provided for herein shall be levied until the said city and county of San Francisco shall bond itself in the sum of two million dollars (\$2,000,000) to be used and expended in establishing, supporting and maintaining said exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit thereon.

There is hereby created a commission to be known as the Panama-Pacific International Exposition Commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific Exposition Fund.

The Legislature shall pass all laws necessary to carry out the provisions of this Act, including the manner in which moneys shall be drawn from the state treasury by said commission; where contracts and vouchers shall be filed; to whom and how

often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund.

Senate constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 52 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutton, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—Senators Caminetti and Campbell—2.

Senate Constitutional Amendment No. 52 ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 53.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, authorizing the city and county of San Francisco to amend its charter in aid of Panama-Pacific International Exposition, and to that end amending Article XI of said Constitution by adding a new section thereto, to be known as Section 8a.

The Legislature of the State of California, at its extraordinary session of the thirty-eighth session of the Legislature commencing on the sixth day of September, 1910, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that Article XI of the Constitution of the State of California be amended by the addition of a new section to be known as Section 8a, said new section to read as follows:

Section 8a. The charter of the city and county of San Francisco may be amended, in addition to the method and the times provided in Section 8 of Article XI of the Constitution, in the following particulars:

(a) Authorizing the city and county of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama Canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by Section 9 of Article XII of said charter;

(c) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended for such exposition purposes; such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the Board of Education of the city and county of San Francisco, and by the city and county of San Francisco, not to be used for such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(e) Authorizing said Panama-Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use.

together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco, in the foregoing particulars, may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election, (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Each the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment the following amendment was offered:

By Senator Burnett:

Amend Senate Constitutional Amendment No. 53 as follows: By adding after line 33, page 2, the following paragraph, "The disbursement of all moneys derived from said bonds shall be accounted for by said Panama Pacific International Exposition Company by an itemized statement thereof, to be filed with the auditor of the city and county of San Francisco."

Senator Welch stated that the introduction of this amendment in the Senate at this time would necessitate the reprinting of the constitutional amendment and result in loss of time. That if Senator Burnett would consent to the withdrawal of his proposed amendment he would see that said amendment was introduced in Senate Constitutional Amendment No. 53 in the Assembly, to which house Senate Constitutional Amendment No. 53 was about to be transmitted.

Thereupon the amendment was withdrawn by Senator Burnett.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 53 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Roynton, Burnett, Campbell, Cartwright, Curtin, Cullen, Finn, Hare, Hartman, Holahan, Kennedy, Leavett, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—Senator Caminetti—1.

Senate Constitutional Amendment No. 53 ordered transmitted to the Assembly.

SPEECH BY SENATOR CURTIN.

On motion of Senator Wolfe, the following speech by Senator Curtin was ordered printed in the Journal:

As my friend from San Bernardino has said of me on other occasions of matters of legislation, I have a few observations to make on this matter.

I regret that my friend from San Luis Obispo has been, by the action of a convention held in his county, precluded from making the vote on this measure unanimous. If, by the final vote on this measure the action of this body, they would bind the State to raise the money herein mentioned and preclude the people from considering the measure at all, I, for one, would hesitate long and think seriously before I should vote not to levy the tax provided for in this amendment.

For many years the subject of uniting the Atlantic and Pacific oceans has engaged the attention of the people, not only of the United States, but of the whole

world. The problem has been before the American people for many years, and they have at last concluded that these two oceans should be connected by a canal, and it is now reasonably sure that that undertaking will be finally completed before January 1, 1915.

The extent of the trade and commerce the linking of these two oceans will make is beyond human comprehension. We have only the lamplight of the past for guidance in the future. Past undertakings of a similar character in connecting other bodies of water, such as the Suez Canal and inland canals in other countries, have resulted in great public benefit, and the world concedes that the completion of the Panama Canal will, from the commerce resulting therefrom, exceed all other undertakings, and the world generally is looking to the Pacific coast to receive the greatest benefit from the commerce. Problematical, therefore, as to extent of the commerce to be thus encouraged, but all sanguine that such will be the result of this great undertaking and that the Pacific coast will reap the largest benefit therefrom, the eyes of the world are resting on this coast, and waiting for the final action of Congress on the contest now pending for the award of Federal recognition on the holding of this exposition.

San Francisco, possessing one of the most magnificent harbors in the world, where such commerce must necessarily largely be handled and be the distributing point, proposes now to celebrate the occasion of the completion of that canal and thus invite the world to visit us, and while studying the problems that will result from the completion of the canal, become familiar with the wonderful and bountiful resources of this State.

As has been said, it is beyond human comprehension to understand to what extent that commerce will reach; therefore, for a period of two years before and for the same or a longer period thereafter, and thus waiting for conditions to finally develop so that the results that will flow from the completion of this canal will be solved, the people of the Pacific coast should be among the pioneers on the forward march in obtaining that result. I, therefore, assume that there is no division in the State of California on the opinion that, for the period above mentioned before and after the completion of that canal, the Pacific coast, and California in particular, will receive great benefits and have within its borders people from all parts of the civilized world. Political conventions for several years past have demanded that the people be given a chance to express themselves on matters of great importance. That demand is almost unanimous, and as this measure is merely a referendum where final action by the people alone will give it effect, I, for one, shall record my vote in favor of giving the people that opportunity. It is true that sometimes people hesitate to vote upon measures whereby they are to increase their burden of taxes, and as it has been said here that if we adopt that measure, the *ad valorem* tax to be levied necessary to raise the money specified by this amendment will not be the only *ad valorem* tax, since the State will be compelled to expend money in the erection of its own building and exhibiting its own resources, and, therefore, in order to allay the fears of any member on that subject, I shall further impose upon your time by making some reference to the operation of Senate Constitutional Amendment No. 1, of which I am the author, and which provides for the separation of State from county taxes, and allowing a different source of revenue for each. Under the present system of taxes, the *ad valorem* system, the fiscal methods never keep pace with the economic facts, and, therefore, the sources of revenue that will provide the money for the support of the state government will increase with the increase of business of the corporations to be taxed thereby, and they will be made to share with the government the benefits resulting to their business, and to which share the government is justly entitled. To make this clear to you, it is provided that the State shall obtain its revenue from public service corporations by taking for its tax a percentage of their gross receipts. It must be conceded, therefore, that the wear and tear on the property of these public service corporations during the period mentioned and for a long time prior thereto and thereafter, that wear and tear will cause depreciation, and yet a large increase in profits will result. By the application of the *ad valorem* system, therefore, these corporations will benefit by these results, yet the State will get no benefits therefrom saving its physical valuation tax. On the other hand, if Senate Constitutional Amendment No. 1 be adopted, the tax of the State will be increased largely, for the reason that out of the increased earning of the railroads, including street railroads, the State will get \$4 out of every \$100, and that there will be increased earnings by the railroads that run into this State, as well as city street railroads in San Francisco, no one can doubt; and this will be general throughout the State, because all the people who come to this fair will not stop in San Francisco, but will visit different parts of the State. The revenues of this State will, therefore, largely increase, while the expenditures for State purposes can not necessarily increase because of this expansion. To go further, I can state to you that during the past eighteen months I have been working on matters tending to verify the result that will be obtained by the adoption of this amendment, and I have obtained the gross receipts from operation for the year ending 1909 of nearly every public service corporation operating in the State of California, and which will be taxed under this amendment. The few corporations that failed to answer my request stated that they had not up to this time kept their books in such a way as would enable them to give me the returns from operation for that period, estimating their business then

returned would result in a tax not exceeding \$200,000, and the report from those that returned would give to the State in taxes a sum exceeding that required to be raised by the tax levy bill passed by this body for the year 1909, which was the largest sum required to be raised for twelve years past, and each year these taxes increased, as I can show you by the following figures.

Prior to 1906 the State Board of Equalization assessed railroad property on the basis of valuation per mile, and the tax commission recommended that as the Constitution did not provide any specified rule for valuation, that they should assess such railroads on a basis of valuation that would produce in taxes 4 per cent of their gross receipts. As a result, the assessment of the Southern Pacific Company, which was assessed in 1906 at \$38,761,847, was assessed in 1910 on precisely the same property at \$60,584,380. The Central Pacific Company, which was assessed in 1906 at \$15,000,000, was assessed in 1910 on the same mileage at \$21,970,749, an increase in this four years of these two railroads of \$28,593,282, being 50 per cent increase on the Southern Pacific and 46 per cent on the Central Pacific, and the total increase of taxes on these two companies, based on the tax rate of \$3.64 as levied in 1909, would provide an increase in taxes of \$1,046,074. The Santa Fe Company in 1906 was assessed at \$18,137,098, was assessed in 1910 at \$24,771,840, or an increase in assessment of 36 per cent. This increased assessment was solely the result of the operation of the method of taxation which gives to the State a benefit of the increased earnings of these roads, which the State on the old common basis would not get. That method does not now apply to street railroads, as they are not now under the jurisdiction of the State Board of Equalization, but by the adoption of amendment number one they will be, and, therefore, the corresponding increase in their business will greatly add to the State taxes, and as new lines of railroad, now in course of construction, as well as the great increase in carrying which the Western Pacific will bring a large amount more of revenue, therefore no one need fear that there ever will be levied in this State any additional ad valorem tax if Senate Constitutional Amendment No. 1 be adopted. With this information at my hand, and with a full appreciation that California will reap a great and estimable benefit from the holding of this exposition, I therefore, without any hesitancy, am willing on my part to submit this present amendment for the consideration of the voters, and I therefore shall record my vote in favor of it.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, September 7, 1910.

To the Senate of the State of California:

I have to inform your honorable body that since March 24, 1909, the date of the adjournment of the thirty-eighth session of the Legislature, I have made the following appointments and request your concurrence and assent thereto:

June 14, 1910, E. C. Cooper, of Eureka, Insurance Commissioner, vice E. Myron Wolf, term expired.

June 20, 1910, Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice self, term expired.

April 14, 1910, Wm. G. Henshaw, of Oakland, a member of the Board of Fish and Game Commissioners, vice George Stone, resigned.

March 11, 1910, George W. Reed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and the Blind, at Berkeley, vice self, term expired.

September 18, 1909, I. N. Hibbard, of San Francisco, Pilot Commissioner, Port of San Francisco, vice M. C. Erskine, deceased.

May 22, 1909, Martin Rezensberger, of San Francisco, a member of the State Board of Health, vice self, term expired.

May 22, 1909, Wallace A. Briggs, of Sacramento, a member of the State Board of Health, vice self, term expired.

May 22, 1909, F. K. Ainsworth, of San Francisco, a member of the State Board of Health, vice self, term expired.

May 24, 1909, James H. Parkinson, of Sacramento, a member of the State Board of Health, vice A. C. Hart, term expired.

June 4, 1909, O. Stansbury, of Chico, a member of the State Board of Health, vice self, term expired.

June 26, 1909, W. LeMoine Wills, of Los Angeles, a member of the State Board of Health, vice self, term expired.

June 26, 1909, W. F. Snow, of Palo Alto, a member of the State Board of Health, vice N. K. Foster, resigned.

July 5, 1910, Charles F. Crothers, of San Jose, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired.

April 2, 1909, Frederic W. Hall, of Oakland, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired.

July 1, 1909, Dr. Thomas Addison, of Berkeley, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired.

April 23, 1909, H. C. Booth, of Santa Barbara, a member of the Board of Trustees of the State Normal School at Los Angeles, vice John Wasson, deceased.

April 14, 1910, William E. Oliver, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice L. S. Thorpe, resigned.

June 7, 1910, Richard Melrose, of Anaheim, a member of the Board of Trustees of the State Normal School at Los Angeles, vice self, term expired.

July 1, 1909, J. F. Campbell, of Maxwell, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired.

July 7, 1909, Clifford Coggins, of Igerna, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired.

August 12, 1910, T. H. Rutherford, of Truckee, a member of the Board of Trustees of the State Normal School at Chico, vice E. A. Warren, deceased.

August 19, 1910, Florence J. O'Brien, of Chico, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired.

July 1, 1909, Charles C. Chapman, of Fullerton, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

April 26, 1909, M. B. McDuffie, of Santa Barbara, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics. Original, to expire April 26, 1911.

April 26, 1909, Clio Lloyd, of Santa Barbara, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics. Original, to expire April 26, 1913.

April 26, 1909, Robert E. Easton, of Santa Maria, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics. Original, to expire April 26, 1911.

April 26, 1910, J. A. Driffl, of Oxnard, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired.

June 1, 1910, A. Bonheim, of Sacramento, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired.

Since the adjournment of the last regular session of the Legislature, I have also appointed W. E. Dennison, of Alameda, as a member of the State Board of Harbor Commissioners, and L. A. Creelman and Fred W. Jackson as members of the Board of Harbor Commissioners for the Bay of San Diego.

Under the provisions of Section 2520 of the Political Code, these appointments can only be confirmed at a regular session of the Legislature, and I am therefore unable to submit these names at this time for your consideration.

J. N. GILLETT, Governor.

Message read.

MOTION.

Senator Wright moved that the Senate do now take up the matter of confirming the appointments of the Governor.

Motion duly seconded.

Motion carried.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

The President put the question, "Will the Senate advise and consent to the appointment of E. C. Cooper, of Eureka, Insurance Commissioner, vice E. Myron Wolf, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of E. C. Cooper, of Eureka, Insurance Commissioner, vice E. Myron Wolf, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles E. Clinch of Grass Valley, a member of the State Board of Prison Directors, vice self, term expired?"

The roll was called with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.
NOES—None.

Whereupon the President announced that the appointment of Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Wm. G. Henshaw, of Oakland, a member of the Board of Fish and Game Commissioners, vice George Stone, resigned?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifty-five minutes A. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called with the following result:

AYES—Senators Bills, Cutton, Finn, Hartman, Leavitt, Martinelli, McCartney, Price, Reily, Weed, Willis, Wolfe, and Wright—13.

NOES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Estudillo, Hare, Holohan, Hurd, Kennedy, Lewis, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, and Walker—22.

Whereupon the President announced that the appointment of Wm. G. Henshaw, of Oakland, a member of the Board of Fish and Game Commissioners, vice George Stone, resigned, had been refused confirmation.

MOTION.

Senator Wolfe moved that any Senator who wished, be excused from voting.

Motion duly seconded.

Motion carried.

EXPLANATION OF VOTES.

The following named Senators asked for and obtained permission to explain their votes on the question of the confirmation of the appointment of Wm. G. Henshaw, of Oakland, a member of the Board of Fish and Game Commissioners: Senators Leavitt, Wright, Boynton, Burnett,

Wolfe, Caminetti, Stetson, Hartman, Lewis, Welch, Cartwright, Holohan, Estudillo, Martinelli, and Sanford.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS—(RESUMED).

The President put the question, "Will the Senate advise and consent to the appointment of George W. Reed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and the Blind, at Berkeley, vice self, term expired?"

The roll was called with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of George W. Reed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and the Blind, at Berkeley, vice self, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of I. N. Hibbard, of San Francisco, Pilot Commissioner, Port of San Francisco, vice M. C. Erskine, deceased?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Whereupon the President announced that the appointment of I. N. Hibbard, of San Francisco, Pilot Commissioner, Port of San Francisco, vice M. C. Erskine, deceased, had been duly confirmed.

STATEMENT.

Senator Welch asked for and was granted permission to make the following statement: "I was absent from the Senate Chamber when the vote on the confirmation of I. N. Hibbard as Pilot Commissioner, Port of San Francisco, was taken. Had I been present, I should have voted for the confirmation."

CONFIRMATION OF GOVERNOR'S APPOINTMENTS—(RESUMED).

The President put the question, "Will the Senate advise and consent to the appointment of Martin Regensberger, of San Francisco, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—35.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Martin Regensberger, of San Francisco, a member of the State Board of Health, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Wallace A. Briggs, of Sacramento, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roscherry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—34.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Wallace A. Briggs, of Sacramento, a member of the State Board of Health, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. K. Ainsworth, of San Francisco, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wright—30.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of F. K. Ainsworth, of San Francisco, a member of the State Board of Health, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of James H. Parkinson, of Sacramento, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of James H. Parkinson, of Sacramento, a member of the State Board of Health, vice A. C. Hart, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of O. Stansbury, of Chico, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—29.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of O. Stansbury, of Chico, a member of the State Board of Health, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. LeMoyne Wills, of Los Angeles, a member of the State Board of Health, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—30.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of W. Le Moyne Wills, of Los Angeles, a member of the State Board of Health, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. F. Snow, of Palo Alto, a member of the State Board of Health, vice N. K. Foster, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cullen, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of W. F. Snow, of Palo Alto, a member of the State Board of Health, vice N. K. Foster, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles F. Crothers, of San Jose, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cullen, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Charles F. Crothers, of San Jose, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frederic W. Hall, of Oakland, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Frederic W. Hall, of Oakland, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Dr. Thomas Addison, of Berkeley, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—32.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Dr. Thomas Addison, a member of the Board of Trustees of the State Normal School at San Jose, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of H. C. Booth, of Santa Barbara, a member of the

Board of Trustees of the State Normal School at Los Angeles, vice John Wasson, deceased?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of H. C. Booth, of Santa Barbara, a member of the Board of Trustees of the State Normal School at Los Angeles, vice John Wasson, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of William E. Olliver, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice L. S. Thorpe, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of William E. Olliver, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice L. S. Thorpe, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Richard Melrose, of Anaheim, a member of the Board of Trustees of the State Normal School at Los Angeles, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Richard Melrose, of Anaheim, a member of the Board of Trustees of the State Normal School at Los Angeles, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of J. F. Campbell, of Maxwell, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of J. F. Campbell, of Maxwell, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Clifford Coggins, of Igerna, a member of the

Board of Trustees of the State Normal School at Chico, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Clifford Coggins, of Igerna, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of T. H. Rutherford, of Truckee, a member of the Board of Trustees of the State Normal School at Chico, vice E. A. Warren, deceased?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of T. H. Rutherford, of Truckee, a member of the Board of Trustees of the State Normal School at Chico, vice E. A. Warren, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Florence J. O'Brien, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Florence J. O'Brien, of Chico, a member of the Board of Trustees of the State Normal School at Chico, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles C. Chapman, of Fullerton, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Charles C. Chapman, of Fullerton, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of M. B. McDuffie, of Santa Barbara, a member of

the Board of Trustees of the State Normal School of Manual Arts and Home Economics?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of M. B. McDuffie, of Santa Barbara, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Clio Lloyd, of Santa Barbara, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, twelve o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Santoni, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At one o'clock P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called, with the following result:

AYES—Senators Bills, Burnett, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Holohan, Hurd, Kennedy, Rush, Stetson, Strobridge, Thompson, and Walker—15.

Whereupon the President announced that the appointment of Clio Lloyd, of Santa Barbara, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Robert E. Easton, of Santa Maria, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Estudillo, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of Robert E. Easton, of Santa Maria, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of J. A. Driffl, of Oxnard, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Strobbridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Caminetti—1.

Whereupon the President announced that the appointment of J. A. Driffl, of Oxnard, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of A. Bonnheim, of Sacramento, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of A. Bonnheim, of Sacramento, a member of the Board of Trustees of the State Normal School of Manual Arts and Home Economics, vice self, term expired, had been duly confirmed.

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned until ten o'clock A. M. of Thursday, September 8, 1910.

IN SENATE.

SENATE CHAMBER,

Thursday, September 8, 1910.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holchen, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savago, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

READING OF JOURNAL.

During the reading of the Journal of Wednesday, September 7, 1910, the further reading was dispensed with, on motion of Senator Wright.

APPROVAL OF JOURNAL.

The Journal of Tuesday, September 6, 1910, having been previously read and corrected, was approved.

LEAVES OF ABSENCE.

Senator Campbell was, on motion of Senator Miller, granted leave of absence for this day.

Senator Savage was, on motion of Senator Wright, granted leave of absence for the remainder of the session.

COMMUNICATIONS.

The following communications were read and ordered printed in the Journal:

SAN FRANCISCO, September 7, 1910

HON. WARREN R. PORTER, *President Senate, Sacramento, Cal.*

Confirming report of the Secretary Democratic State Convention, the following resolution, introduced by Theodore A. Bell, was unanimously adopted:

We recommend that the Legislature take the necessary steps to submit to the qualified electors of California the question of providing a special tax to raise the sum of five million dollars to aid the proposed Panama-Pacific Exposition and permitting the city and county of San Francisco to issue bonds in the same amount for that purpose.

R. H. DEWITT,

Chairman Democratic State Committee.

Also:

WHEREAS, Governor Gillett has called an extra session of the State Legislature to make provisions for raising funds in aid of a World's Exposition to be held in San Francisco in 1915; therefore, be it

Resolved by the Methodist Episcopal Ministerial Association of Los Angeles. That we hold it to be of first importance that any legislation in aid of said exposition should make provision that its board of control should be chosen from men of high moral character who would give protection from the presence of gambling, dram selling, and other demoralizing influences on said exposition grounds.

That, recognizing the important contribution to the cause of good government by Governor Gillett in his forbidding of the Jeffries-Johnson prize fight in San Francisco, we the more confidently ask his aid in providing all needed protection for the exposition from demoralizing influences of whatever character.

That the Secretary be directed to send a copy of these proceedings to Governor Gillett, to the Lieutenant Governor, and to the Speaker of the Assembly.

CHAS. EDWARD LOCKE,
GEORGE A. ADAMS.

PETITION.

The following petition was presented by Senator Leavitt, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, September 8, 1910.

Senators F. W. Leavitt, E. K. Strobbridge, and J. W. Stetson, Alameda County Representatives in Senate, Sacramento, Cal.

SIRS: The Committee on Progress and Prosperity of the Oakland Chamber of Commerce, in company with representatives of every commercial and industrial institution from Alameda County, have journeyed to Sacramento by special train that they may present to you, and through you to the legislative body of which you are our representatives, the indorsement of our members and the community from

which we come in connection with the Panama-Pacific Exposition, which it is proposed shall be held in San Francisco in 1915.

We of California are one people; in this State our interests are commingled; what advances one section benefits us all; we are broad enough and big enough to stand as a unit for the progress, the prosperity, and the benefit which must necessarily redound to the advantage of every citizen of the State.

We, therefore, ask that you fittingly place before the legislative body to which you have been elected, the fact that in the promotion of the Panama-Pacific Exposition, which it is proposed to hold in San Francisco in 1915, the people of the bay cities are as one man.

Not alone will one city or one town benefit thereby—the State will reap its reward through the enterprise, the pluck and bravery of the most indomitable city of the universe—San Francisco, and it is to this end that we ask you to support this great undertaking, knowing that the people of this magnificent State are with you heart and soul.

COMMITTEE ON PROGRESS AND PROSPERITY OAKLAND CHAMBER OF COMMERCE.

By C. F. GORMAN, Chairman.

And one hundred and twenty-five others.

RESOLUTIONS.

The following resolutions were offered:

By Senator Miller:

WHEREAS, The members of the Senate, its officers, and attachés on yesterday visited the State Fair as the guests of Senator C. B. Bills, and were pleasantly entertained by the Senator and the State Board of Agriculture; therefore, be it

Resolved, That the Senate does hereby extend to Senator Bills and the State Board of Agriculture its thanks for the courtesies extended; and further takes this opportunity of congratulating the State Board of Agriculture on the splendid management that has produced the unusually successful fair now in progress in this city.

Resolution read, and adopted.

By Senator Savage:

Resolved, That the Legislature of California hereby extend to the national organization of the Grand Army of the Republic a cordial invitation to hold its forty-fifth national encampment in the city of Los Angeles in the year 1911; that the State of California would be greatly honored by the acceptance of such invitation and by the presence within its borders of such an honorable and distinguished body of men; and be it further

Resolved, That the Secretary of the Senate be instructed to transmit to the proper officials of the national organization of the Grand Army of the Republic a certified copy of this resolution.

Resolution read, and adopted.

By Senator Lewis:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$44.85 out of the contingent appropriation of the Senate, in payment of the following bills:

J. L. Martin	\$10 00
J. G. McCall	5 00
Whisky Hill Water Company	7 50
Pacific Telephone and Telegraph Company	10 35
Pacific Telephone and Telegraph Company	3 00
Alex Anderson	3 00
Kane & Trainor Ice Company	6 00
	\$44 85

Resolution read, and referred to Committee on Contingent Expenses.

MOTION.

Senator Burnett moved that the Journal of Wednesday, September 7, 1910, be corrected by inserting on page 5, immediately after the amendment to Senate Constitutional Amendment No. 53 offered by him, the following:

Senator Welch stated that the introduction of this amendment in the Senate at this time would necessitate the reprinting of the constitutional amendment and

result in loss of time. That if Senator Burnett would consent to the withdrawal of his proposed amendment he would see that said amendment was introduced in Senate Constitutional Amendment No. 53 in the Assembly, to which house Senate Constitutional Amendment No. 53 was about to be transmitted.

The motion was duly seconded.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received, and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller be, and is hereby, directed to draw his warrant in favor of the Sergeant at Arms of the Senate for \$44.85, out of the contingent appropriation of the Senate, in payment of the following bills:

J. L. Martin	\$10.00
J. G. McCall	5.00
Whisky Hill Water Company	7.50
Pacific Telephone and Telegraph Company	10.00
Pacific Telephone and Telegraph Company	5.00
Alex. Anderson	5.00
Kane & Trainor Ice Company	6.00

\$44.85

Have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

WOLFE, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Rutledge, Chandler, Custer, Curran, Estrella, Hare, Hartman, Helehan, Hund, Kennedy, Leavitt, Lewis, McCall, nelli, McCartney, Miller, Reily, Sanford, Savage, Thompson, Walker, Wood, Wood, Willis, Wolfe, and Wright—29.

NOES—None.

RECESS.

At eleven o'clock and ten minutes A. M., on motion of Senator Wright, the President declared the Senate at recess until twelve o'clock M., of this day.

RECONVENED.

At twelve o'clock M., the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

RECESS.

At twelve o'clock and one minute P. M., on motion of Senator Wright, the President pro tem. declared the Senate at recess until two o'clock P. M., of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 2—An Act transferring

money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, authorizing the city and county of San Francisco to amend its charter in aid of Panama-Pacific International Exposition, and to that end amending Article XI of said Constitution by adding a new section thereto, to be known as Section 8a.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

On motion of Senator Leavitt, Assembly Constitutional Amendment No. 33 was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 33.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, authorizing the city and county of San Francisco to amend its charter in aid of Panama-Pacific International Exposition, and to that end amending Article XI of said Constitution by adding a new section thereto, to be known as Section 8a.

The Legislature of the State of California at its extraordinary session of the thirty-eighth session of the Legislature commencing on the sixth day of September, 1910, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that Article XI of the Constitution of the State of California be amended by the addition of a new section to be known as Section 8a, said new section to read as follows:

Section 8a. The charter of the city and county of San Francisco may be amended, in addition to the method and the times provided in Section 8 of Article XI of the Constitution, in the following particulars:

(a) Authorizing the city and county of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama Canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by Section 9 of Article XII of said charter;

(c) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and

county of San Francisco, and by the city and county of San Francisco, not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(c) Authorizing said Panama-Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco, to wit: Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefore) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election and the holding of such election, in accordance with the provisions herein before set forth, the adoption of this amendment, are hereby validated in all respects as if approved subsequent to the adoption of this amendment. The disbursement of all moneys obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Birdsall, Black, Burnett, Hane, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reschberry, Savage, Stronbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirty minutes P. M., Senator Boynton was brought to the bar of the Senate, and, on motion of Senator Wright, excused for absence from the Senate Chamber.

At two o'clock and thirty-one minutes P. M., Senators Cutten, Reily, and Stetson were brought to the bar of the Senate, and, on motion of Senator Leavitt, were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Constitutional Amendment No. 33 was adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsell, Black, Boynton, Burnett, Cutton, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wilas, Wolfe, and Wright—28.

NOES—None.

Assembly Constitutional Amendment No. 33 ordered transmitted to the Assembly.

RECESS.

At two o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until four o'clock P. M., of this day.

RECONVENED.

At four o'clock P. M., the Senate reconvened.

Lieutenant Governor Warren R. Porter, the President of the Senate, in the chair.

RECESS.

At four o'clock and five minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until four o'clock and thirty minutes P. M.

RECONVENED.

At four o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Constitutional Amendment No. 52. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the state treasury.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 52?"

Amend amended Senate Constitutional Amendment No. 52 as follows:

Strike out all of said amendment after line 33, on page 2 of printed bill, and insert the following:

Provided, however, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exhibition in commemoration of the completion of the Panama Canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, on the first day of January, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and lay such an extraordinary rate of taxation as shall result in the State, for each of such fiscal years, a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California beginning from taxation under the law, and subject to taxation on the 1st day of July, 1910, and in the same manner, and by the same method as other State taxes were levied, assessed, and collected under the law, as the same existed on the 1st day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for other State purposes, determine, fix, and increase the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama-Pacific International Exposition Fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the construction of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama-Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit thereon, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific International Exposition Commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The Governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation, and shall hold office until such exposition shall have been closed and its affairs settled. Said members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific International Exposition Fund; and provided further, that the Legislature shall pass all laws necessary to carry out the provisions of this Act, including the times and the manner in which, and the terms and conditions upon which money shall be drawn from the state treasury by said commission, where contracts and vouchers shall be filed, to whom, and how often reports shall be made; what disposition shall be made of any sums left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the General Fund of the State of California of any portion of said Panama-Pacific International Exposition Fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Constitutional Amendment No. 52 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Constitutional Amendment No. 52 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Estudillo:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to receipt to the Controller for the warrants of the Senators, officers, employees, and attachés of the Senate, and to remain after the session to send such warrants to the owners thereof, for which service and expenses the said Sergeant-at-Arms is hereby allowed \$16, the same to be payable out of the Contingent Fund of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Lewis, Martinelli, McCartney, Reily, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfers.

And report that the same has been correctly enrolled, and presented the same to the Governor on this eighth day of September, 1910, at four o'clock and forty minutes P. M.

STROBRIDGE, Chairman.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until seven o'clock and thirty minutes P. M.

RECONVENED.

At seven o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Hurd, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 8, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Concurrent Resolution No. 1—Relative to adjournment of the two houses of the Legislature *sine die*.

CLIO LLOYD, Chief Clerk.

By T. G. WALKER, Assistant Clerk.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Hurd, Assembly Concurrent Resolution No. 1 was taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Resolved by the Assembly, the Senate concurring. That the two houses of the Legislature of the State of California do adjourn *sine die* at twelve o'clock, noon, Friday, September 9, 1910.

Assembly concurrent resolution read and adopted.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

ADJOURNMENT.

At seven o'clock and forty minutes P. M., on motion of Senator Hurd, the President declared the Senate adjourned until Friday, September 9, 1910, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Friday, September 9, 1910.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hartman, Holohan, Hurst, Kennedy, Leavitt, Macintosh, McCartney, Miller, Price, Reily, Roscherry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—31.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

READING OF JOURNAL.

During the reading of the Journal of Thursday, September 8, 1910, the further reading was dispensed with, on motion of Senator Estudillo.

APPROVAL OF JOURNAL.

The Journals of Wednesday, September 7, and Thursday, September 8, 1910, having been previously read and corrected, were approved.

RESOLUTION.

The following resolution was offered:

By Senator Caminetti:

WHEREAS, The State Labor Commissioner has, in his report concerning Japanese laborers in California, expressed his opinion of the necessity for such laborers in this State, and has thus without authority misrepresented the wishes of the people of this commonwealth; therefore, be it

Resolved, That the opinion of such Labor Commissioner is hereby disapproved by this Senate.

Resolution read, and on motion of Senator Caminetti, seconded by Senator Anthony, adopted.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, September 8, 1910.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day approved: Senate Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of the thirty-eighth Legislature, and directing the State Controller and State Treasurer to make such transfer.

J. N. GILLET, Governor

Message read and ordered printed in the Journal.

RESOLUTION.

The following resolution was introduced:

By Senator Wolfe:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby directed to

pay the same, for the sum of four dollars and fifty cents (\$4.50) in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, same being for payment of the following claims:

Kane & Trainor	\$2 00
Whiskey Hill Water Company.....	2 50

\$4 50

WOLFE, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Hartman, Holahan, Hurd, Kennedy, Leavitt, Martinelli, Price, Reilly, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Wood, Welch, and Wolfe—27.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, September 9, 1910.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Constitutional Amendment No. 52. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 22 of Article IV, relating to how money may be appropriated and drawn from the state treasury.

And report that the same has been correctly enrolled, and presented the same to the Governor on this ninth day of September, 1910, at ten o'clock and fifteen minutes A. M.

STROBRIDGE, Chairman.

RECESS.

At ten o'clock and twenty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until ten o'clock and forty minutes A. M., of this day.

RECONVENED.

At ten o'clock and forty minutes A. M., the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (OUT OF ORDER).

The following Senate joint resolution was introduced:
By Senator Wolfe:

SENATE JOINT RESOLUTION No. 1.

Relative to the action of Congress in naming the place for the holding of the exposition to celebrate the completion of the Panama Canal.

WHEREAS, The completion of the Panama Canal will mark the end of the greatest engineering feat of modern times, whereby the waters of the Atlantic are wedded to the waters of the Pacific, the trade and commerce of the Occident is given equal access to the trade and commerce of the Orient, and they are both enabled to share the products of each other; and

WHEREAS, It brings the Pacific coast of the United States into closer union with the Atlantic coast and adds another link to the bonds that bind the States of our Nation into inseparable union and opens up new fields for the employment of the industry, skill, capital, and labor of the people of our country; and

WHEREAS, It is eminently fit and proper that the completion of such a gigantic work as that performed by American engineers and American capital should be fitly commemorated; and

WHEREAS, The city of San Francisco, the metropolis of the Pacific coast of the United States, is the only and proper place for such an exposition, because of its geographical location and because of the fact that it faces the countries that are desired to be brought into union with the Eastern world; and

WHEREAS, The State of California is willing to and will appropriate the sum of five million dollars to assist in defraying the expenses of the celebration, and the city of San Francisco has, through the liberality, unexampled, of its citizens, contributed the sum of seven million five hundred thousand dollars, and now to come from a further sum of five million dollars by tax upon the city, making in all the permanent sum of seventeen million five hundred thousand dollars; and

WHEREAS, The efforts of the people in that direction, should be recognized and rewarded by those in authority; therefore, be it

Resolved, That the Legislature of the State of California earnestly asks the Congress of the United States to pass the resolution introduced by Hon. Julius K. Rose, member of Congress from California, fixing and reserving San Francisco as the proper and appropriate place for the holding of said celebration and exposition.

The question being on the adoption of the Senate joint resolution

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES Senators Anthony, Bell, Bills, Birdsall, Burnett, Cartwright, Cullen, Cutten, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Matthews, Price, Rife, Roseberry, Sanford, Stetson, Strobridge, Thompson, Wood, Wagon, Ware, and Wade. 25
NOES—None.

Senate Joint Resolution No. 1 ordered transmitted to the Assembly.

SENATOR CAMINETTI IN THE CHAIR.

At eleven o'clock and five minutes A. M., Senator Caminetti, of the Tenth District, in the chair.

COMMUNICATION FROM THE ASSEMBLY.

At eleven o'clock and twenty-five minutes A. M., a committee from the Assembly, Mr. Greer, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

LIEUTENANT GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTIONS.

The following resolution was offered:

By Senator Welch:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Welch, Kennedy, and Cutten, a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

RESOLUTION.

The following resolution was offered:

By Senator Willis:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn *sine die*, and ask if he has any further communication to transmit to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Willis, Price, and Cartwright to notify the Governor of the readiness of the Senate to adjourn *sine die*.

REPORT OF SPECIAL COMMITTEE.

Senators Welch, Kennedy, and Cutten, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

REPORT OF SPECIAL COMMITTEE.

Senator Willis, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he had no further communication to present to the Senate.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cartwright:

Be it resolved, That the thanks of the Senate be extended to the Lieutenant Governor for his uniform courtesy and fairness in presiding over this body during this extraordinary session.

Resolution read, and unanimously adopted.

LIEUTENANT GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and fifty-five minutes, Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

APPROVAL OF MINUTES.

The minutes of Friday, September 9, 1910, were read and approved.

FINAL ADJOURNMENT.

At twelve o'clock M., in accordance with the provisions of Assembly Concurrent Resolution No. 1, Lieutenant Governor Warren R. Porter, President of the Senate, declared the thirty-eighth (extra) session of the Senate of the State of California adjourned *sine die*.

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-EIGHTH (SECOND EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER.

Monday, October 3, 1910.

The Senate met at twelve o'clock M., in pursuance to the proclamation of His Excellency, J. N. Gillett, Governor of the State of California, dated September 28, 1910, convening the Legislature of the State of California in extraordinary session.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair by virtue of Section 238, Article II of the Political Code.

Pursuant to Section 237 of Article II of the Political Code, Lewis A. Hilborn, Secretary of the Senate; W. H. Wright, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant Governor Warren R. Porter now called the Senate to order.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Hechman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Leavitt, granted leave of absence for the session.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Lewis A. Hilborn, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.

WHEREAS, The Legislature of the State of California, at its regular session commencing on the 4th day of January, 1909, adopted a resolution proposing an amendment to the constitution of the State of California, known as Senate Constitutional Amendment No. 1, entitled "A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for

the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation"; and

WHEREAS, It appears that said amendment leaves uncertain the period for which the gross receipts and gross premiums mentioned in said resolution are to be computed upon which the taxes therein provided for are to be levied, and in case said amendment should be adopted in its present form by the people, such uncertainty would jeopardize the revenues to be raised by the state under such amendment; and

WHEREAS, By reason of the foregoing an extraordinary occasion has arisen and is now existing, requiring the Legislature of the State of California to convene.

Now, therefore, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by Section 9, Article V, of the Constitution of the State of California, do hereby convene the Legislature of the State of California, to meet and assemble in extraordinary session at Sacramento, California, on Monday, the 3d day of October, 1910, at 12 o'clock noon of that day for the following purposes, to wit:

First, To consider and act upon a resolution proposing an amendment to the Constitution of the State of California to be known as Senate Constitutional Amendment No. 1, to be submitted to the people of the State of California for approval and ratification in the words and figures following, to wit:

SENATE CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First, There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-leasing and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-leasing and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-leasing and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above

enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one-half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said one and one-half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and recoupments of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interest therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rates as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event

that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions *a*, *b*, and *d* of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, three-fourths of all the members concurring in each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes, and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. Until the year 1918 the state shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said constitution is hereby repealed.

Second. In the event that said resolution is adopted by the legislature, then, and in that event only, to rescind the action of the legislature in passing and adopting said Senate Constitutional Amendment No. 1 so adopted by the legislature at its regular session on the 19th day of March, 1909.

Third. To enact such legislation and appropriate such money as may be necessary for the purpose of submitting to the people of the State of California, the said proposed constitutional amendment, and such other constitutional amendments heretofore proposed by the legislature, as are to be voted upon at the general election in November, 1910.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the great seal of the State of California at my office in the State Capitol, this 28th day of September, in the year of our Lord one thousand nine hundred and ten, and of the admission of the State of California the sixtieth.

[SEAL]

J. N. GILLETTE,

Governor of the State of California.

Attest: C. F. CURRY,
Secretary of State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Willis:

Resolved. That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read, and adopted.

By Senator Price:

Resolved. That Hon. Edward I. Wolfe be and he is hereby elected President pro tem. of the Senate; that Lewis A. Hilborn be and he is hereby elected Secretary of the Senate; that J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate; that W. H. Wright be and he is hereby elected Minute Clerk of the

Senate; that Rev. Father H. H. Wyman be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Curran, Finn, Hartman, Hoelscher, Hand, Langer, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sretson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—32

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator Burnett:

Resolved, That the standing rules of the thirty-eighth regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Paragraph VIII be amended to read as follows:

VIII. The standing committees of the thirty-eighth regular session shall be the standing committees of this extra session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Curran, Finn, Hartman, Hoelscher, Hand, Langer, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sretson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32

NOES—None.

By Senator Bills:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant at Arms—J. Louis Martin.

Minute Clerk—W. H. Wright.

Chaplain—Rev. Father Henry H. Wyman.

Resolution read, and adopted.

By Senator Walker:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communication he may have to make.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Walker, Bell, and Hartman as such committee.

RESOLUTION.

The following resolution was offered:

By Senator Strobbridge:

Resolved, That the following named persons be and are hereby elected to the positions set opposite their respective names:

J. G. McCall	Assistant Sergeant-at-Arms	\$5 00
J. P. Frazier	Assistant Sergeant-at-Arms	5 00
Miss Eva Rickard	Stenographer	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roscherry, Rush, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

APPOINTMENTS BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following pages: B. Chinn and Frank Branch.

APPOINTMENTS BY THE SECRETARY OF THE SENATE.

To the Officers and Members of the Senate of the State of California:

I have the honor to inform you that I have this day appointed Frank Mattison and R. D. Lyon to the positions of Assistant Secretaries, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,
Secretary of Senate.

On motion of Senator Leavitt, the Senate consented to the above appointments by the Secretary of the Senate.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until twelve o'clock and twenty minutes P. M., of this day.

RECONVENED.

At twelve o'clock and twenty minutes P. M., the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

The committee appointed to wait upon the Governor made the following report:

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

WALKER, Chairman.

RESOLUTIONS—(OUT OF ORDER).

By Committee on Contingent Expenses:

SENATE CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: Your Committee on Contingent Expenses beg leave to present the following resolution:

Resolved, That the State Controller be, and he is hereby, directed and ordered to draw his warrant upon the proper fund in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Officers.	Mileage.	Amount.
President—Warren R. Porter	258	\$85 80
Secretary—Lewis A. Hilborn	180	18 00
Minute Clerk—W. H. Wright	918	91 80
Sergeant-at-Arms—J. Louis Martin	168	16 80

Dist.	Senator.	Address.	Mileage.	Amount.
24	Anthony	San Francisco	180	\$18 00
36	Bell	Pasadena	914	91 40
7	Bills	Sacramento	2	20
3	Birdsall	Auburn	74	7 40
28	Black	Palo Alto	246	24 60
6	Boynton	Oranville	172	17 20
25	Burnett	San Francisco	180	18 00
10	Caminetti	Jackson	118	11 80
31	Campbell	San Luis Obispo	684	68 40
26	Cartwright	Fresno	338	33 80
12	Curtin	Sonoma	270	27 00
1	Cutten	Emery	624	62 40
39	Estudillo	Redwood	1,024	102 40
17	Finn	San Francisco	180	18 00
23	Hare	San Francisco	180	18 00
22	Hartman	San Francisco	180	18 00
29	Holohan	Watsonville	378	37 80
37	Hurd	Los Angeles	84	8 40
20	Kennedy	San Francisco	180	18 00
16	Leavitt	Oakland	168	16 80
11	Lewis	Stockton	96	9 60
9	Martinelli	San Rafael	210	21 00
38	McCartney	Los Angeles	894	89 40
32	Miller	Visalia	412	41 20
8	Price	Santa Rosa	180	18 00
18	Reilly	San Francisco	180	18 00
33	Roseberry	San Bernardino	920	92 00
5	Rush	Suisun	82	8 20
4	Sanford	Union	300	30 00
34	Savage	San Pedro	954	95 40
15	Stetson	Oakland	168	16 80
13	Strobridge	Hayward	194	19 40
35	Thompson	Alhambra	906	90 60
27	Walker	East San Jose	254	25 40
2	Weed	Weed Station	514	51 40
19	Welch	San Francisco	180	18 00
30	Willis	Redlands	1,034	103 40
21	Wolfe	San Francisco	180	18 00
40	Wright	San Diego	1,146	114 60

And respectfully recommend that it do pass.

WOLFE, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

By Senator Lewis:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to receipt to the Controller for the warrants of the Senators, officers, and employees and attaches of the Senate, and to remain after the session to send such warrants to the owners thereof, for which services and expenses he shall be allowed sixteen dollars (\$16), the same to be payable out of the Contingent Fund of the Senate.

Resolution read, and ordered referred to Committee on Contingent Expenses.

REGULAR ORDER OF BUSINESS.

Senator Wolfe moved that the Senate do now proceed with the regular order of business.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following resolution:

Resolved, That the Chief Clerk be, and he is hereby, instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated Wednesday, September 28, 1910, and ready for the transaction of legislative business, with the following officers, to wit:

Speaker—Hon. P. A. Stanton.
Speaker pro tem.—Hon. Geo. M. Perine.
Chief Clerk—Thos. G. Walker.
Minute Clerk—H. A. Harper.
Sergeant-at-Arms—John T. Stafford.
Journal Clerk—Wm. Nye.
Chaplain—L. S. Jones.

THOS. G. WALKER, Chief Clerk of the Assembly.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Curtin: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California relative to revenue and taxation, and repealing Section 10 of Article XI, relating to revenue and taxation.

MOTION.

Senator Curtin moved that Senate Constitutional Amendment No. 1 be placed on file without reference to committee.

Motion duly seconded.

AMENDMENT TO MOTION.

Senator Caminetti moved to amend Senator Curtin's motion to the effect that Senate Constitutional Amendment No. 1 be referred to Committee on Judiciary.

The question being on the amendment.

Amendment lost.

The question now being on the original motion.

Motion carried, and Senate Constitutional Amendment No. 1 ordered on file without reference to committee.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

The following bills were introduced:

By Senator Curtin: Senate Concurrent Resolution No. 1—Rescinding the action of the Legislature in passing and adopting Senate Constitutional Amendment No. 1, adopted by the Legislature at its regular session on the 19th day of March, 1909.

On motion of Senator Curtin, Senate Concurrent Resolution No. 1 was ordered on file without reference to committee.

By Senator Leavitt: Senate Bill No. 1—An Act making an appropriation for printing constitutional amendments.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 2—An Act making an appropriation for printing expenses of extraordinary session of the Legislature.

Bill read first time, and ordered on file without reference to committee.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1.

THOS. G. WALKER, Chief Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Leavitt, Assembly Concurrent Resolution No. 1 was taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

Be it resolved by the Assembly, the Senate concurring. That a committee of seven be appointed by the Speaker to meet a committee of like number from the Senate, such joint committee to report to both houses upon the legal phases of the legislation referred to in the proclamation of the Governor.

Assembly concurrent resolution read, and adopted.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with the provisions of Assembly Concurrent Resolution No. 1, the President announced the appointment of the following named Senators as members of the committee created thereby: Senators Willis, Curtin, Cutten, Caminetti, Wolfe, Miller, and Wright.

RECESS.

At one o'clock p. m., on motion of Senator Leavitt, the President declared the Senate at recess until three o'clock and thirty minutes p. m. of this day.

RECONVENED.

At three o'clock and thirty minutes p. m., the Senate reconvened.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

On motion of Senator Leavitt, the daily file was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-leasing and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage

line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies; all refrigerator, oil, stock, fruit and other car loading and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity, shall annually pay to the state a tax upon their franchises, railways, roads, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank.

This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or incorporated in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed as such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property intended to such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, such county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate, and earned as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, three fourths of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the state shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said constitution is hereby repealed.

REPORT OF SPECIAL COMMITTEE.

The following report of the special committee appointed in accordance with the provisions of Assembly Concurrent Resolution No. 1 was received and read:

MR. PRESIDENT: Your committee appointed to confer with a like committee from the Assembly, in accordance with the terms of Assembly Concurrent Resolution No. 1, adopted October 3, 1910, beg leave to report that such committees conferred upon the subject submitted to them in joint session, and reports as follows:

That Assembly Concurrent Resolution No. 4 be recommended to both houses instead of Senate Concurrent Resolution No. 1 to be passed in event Senate Constitutional Amendment No. 1 is adopted.

AYES—Senators Curtin, Cutten, Wolfe, Miller, Wright, and Willis.

NOES—Senator Caminetti.

That it is the sense of this joint committee that we recommend to both houses of the Legislature that in considering any amendment to the amendment as introduced in both houses, we are confined to "uncertainty," mentioned in Governor's call.

AYES—Senators Curtin, Cutten, Wolfe, Miller, Wright, and Willis.

NOES—Senator Caminetti.

Respectfully submitted.

WILLIS, Chairman.

ASSEMBLY CONCURRENT RESOLUTION NO. 4.

To rescind and annul a resolution, known as Senate Constitutional Amendment No. 1, adopted by the Legislature March 19, 1909, being a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

Resolved, by the Legislature of the State of California, two thirds of all the members elected to each of the two houses thereof concurring. That a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation, adopted by the Legislature March 19, 1909, and known as Senate Constitutional Amendment No. 1, is hereby rescinded and annulled, and the Secretary of State is hereby directed not to certify said proposed amendment to the county clerks of the several counties of the State of California, pursuant to Section 1195 of the Political Code.

Senator Willis moved that the report of the committee be adopted.

Motion duly seconded.

The question being upon the adoption of the report.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Senators Anthony, Bills, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Stetson, Strobridge, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Hare, Hurd, Roseberry, Thompson, and Walker—10.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

Senate Constitutional Amendment No. 1 previously read.

During the reading of the Senate constitutional amendment, the following amendment was offered:

By Senator Caminetti:

Strike out the words "three fourths" and insert the words "two thirds" in line 181, page 6 of Senate Constitutional Amendment No. 1.

Amendment read.

The President pro tem. ruled the amendment out of order, on the ground that under the call of the Governor convening this extra session no amendments were in order, except such as were specifically referred to in the call.

APPEAL FROM THE DECISION OF THE CHAIR.

Senator Caminetti appealed from the decision of the chair.

The President pro tem. put the question, "Shall the decision of the President pro tem. stand as the decision of the Senate?"

The roll was called, and the decision of the President pro tem. sustained by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Curtin, Cutten, Escudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCarthy, Miller, Price, Reily, Rush, Strobridge, Weed, Welch, Willis, and Wright—23.

NOES—Senators Burnett, Caminetti, Campbell, Cartwright, Hare, Hurd, Kennedy, Roseberry, Stetson, Thompson, and Walker—11.

CONSIDERATION OF THE DAILY FILE—(RESUMED.)

The question being upon the adoption of Senate Constitutional Amendment No. 1.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Bills, Black, Burnett, Cartwright, Curtin, Cutten, Escudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCarthy, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, and Hurd—7.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

EXPLANATION OF VOTES.

Senators Price and Cutten asked for, and were granted, unanimous consent to have the following explanation of their votes printed in the Journal:

In explanation of our vote upon the submission of Constitutional Amendment No. 1, just passed by the Senate in extraordinary session, this 2d day of October, 1910, we wish to say we voted for the said amendment because we believe the people should have a perfect measure submitted to them in order that they may vote intelligently upon the merits or demerits of the said amendment.

W. F. PRICE,
C. P. CUTTEN.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received, and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution by Senator Lewis:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to receipt to the Controller for the warrants of the Senators, officers, and employees and attachés of the Senate, and to remain after the session to send such warrants to the owners thereof, for which services and expenses he is hereby allowed sixteen dollars; the same to be payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

WOLFE, Chairman.
KENNEDY.
RUSH.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Senate Bill No. 2 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 2—An Act making an appropriation for printing expenses of extraordinary session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At five o'clock and fifty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M., of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SENATOR LEAVITT IN THE CHAIR.

At eight o'clock and thirty-five minutes, Senator Leavitt, of the Sixteenth District, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up, and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed a committee relative to Assembly Concurrent Resolution No. 1 by Assemblyman Beardslee, relative to the legal phases of the Governor's nomination, and appointed on such committee from the Assembly, Assemblymen Beardslee, Melrose, Rutherford, Leeds, Coghlan, Beatty, and Preston.

THOS. G. WALKER, Chief Clerk of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Concurrent Resolution No. 2—Relative to deprecation of the destruction of the property of the Los Angeles Times, and extending sympathy in behalf of the Legislature to the owners thereof.

THOS. G. WALKER, Chief Clerk of the Assembly.

Assembly Concurrent Resolution No. 2 ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Concurrent Resolution No. 3—Relative to the offering of a reward for the apprehension and conviction of the person or persons destroying the property of the Los Angeles Times.

THOS. G. WALKER, Chief Clerk of the Assembly.

Assembly Concurrent Resolution No. 3 ordered referred to Committee on Finance.

RECESS.

At eight o'clock and forty minutes P. M., on motion of Senator Wright, the Acting President declared the Senate at recess until nine o'clock P. M.

RECONVENED.

At nine o'clock P. M., the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up, and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 3, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 2—An Act making an appropriation for printing expenses of extraordinary session of the Legislature.

THOS. G. WALKER, Chief Clerk of the Assembly.

Senate Bill No. 2 ordered to enrollment.

LEAVE OF ABSENCE.

Senator Wolfe was granted leave of absence for Tuesday, October 4, 1910, on motion of Senator Wright.

ADJOURNMENT.

At nine o'clock and five minutes P. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Tuesday, October 4, 1910, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Tuesday, October 4, 1910.

Pursuant to adjournment the Senate met at ten o'clock A. M.

Senator Leavitt, of the Sixteenth District, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cullen, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—26.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of October 3, 1910, the further reading was dispensed with on motion of Senator Wright.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received, and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Concurrent Resolution No. 2—Relative to deprecation of the destruction of the property of the Los Angeles Times, etc.

Also: Assembly Concurrent Resolution No. 3—Relative to the offering of a reward for the apprehension and conviction of the person or persons destroying the property of the Los Angeles Times.

Have had the same under consideration, and respectfully report the same back with the recommendation that the substitute be adopted.

LEAVITT, Chairman.

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTIONS
NOS. 2 AND 3.

WHEREAS, On the morning of October 1, 1910, the people of the State of California were appalled at learning of the destruction of the property and building of the Los Angeles Times, in the city of Los Angeles, carrying with it the sacrifice of the lives of many of our citizens therein employed; and

WHEREAS, It is claimed that this frightful destruction of lives and property was caused by the commission of a fiendish crime; now, therefore, be it

Resolved, That the members of the Legislature of the State of California most deeply deplore the sacrifice of the said lives and destruction of said property, and renders to the relatives and friends of those destroyed in said catastrophe our heartfelt sympathy; and be it further

Resolved, That the attention of the Governor of the State of California is hereby called to said catastrophe or crime and requests him to investigate the circumstances, and to offer such reward as in his judgment he may deem advisable.

Committee Substitute for Assembly Concurrent Resolutions Nos. 2 and 3 read, and adopted.

Committee Substitute for Assembly Concurrent Resolutions Nos. 2 and 3, ordered transmitted to the Assembly.

RECESS.

At ten o'clock and twenty-five minutes A. M. on motion of Senator Wright, the Acting President, declared the Senate at recess until eleven o'clock A. M.

RECONVENED.

At eleven o'clock A. M. the Senate reconvened
Senator Leavitt, of the Sixteenth District, in the chair.

LEAVES OF ABSENCE.

Senator Roseberry was, on motion of Senator Birdsell, granted leave of absence for this day.

Senator Stetson was, on motion of Senator Strobebridge, granted leave of absence for this day.

Senator Miller was, on his own motion, granted leave of absence for this day and for Wednesday, October 5, 1910.

RESOLUTIONS.

The following resolutions were offered.

By Senator Wright.

WHEREAS, A number of the chambers of commerce and commercial organizations of the Pacific coast, acting upon the suggestion of Rear Admiral Robert D. Evans, have passed resolutions inviting the Governor of the State of California to call a Pacific coast congress for the purpose of urging upon the Congress of the United States the necessity of maintaining permanently in Pacific waters a fleet of battleships; and

WHEREAS, Other organizations have requested the calling of a Pacific coast congress to urge upon the Federal Government the importance of the "merchant marine" to the Pacific coast; and

WHEREAS, Both of these subjects are worthy of most careful consideration, and mean much to the rapidly growing population and the great business interests of the Pacific coast and mountain states; now, therefore, be it

Resolved, That the holding of the Pacific coast congress to be convened in the city of San Francisco at some convenient time prior to the meeting of the Federal Congress meets the approval of this Senate, and we hereby commend the same to the favorable consideration of his Excellency the Governor of the State of California.

Resolution read, and adopted.

Also:

By Senator Caminetti:

WHEREAS, This Senate on March 23, 1909, adopted the following resolution:

"Resolved by the Senate of the State of California, That we deplore the raise in railroad rates by the railroads whose terminals are in this State, and also the change in rate charged by Wells, Fargo & Company, and we recommend to the Railroad Commission of this State the fullest investigation of this subject of railroad and Wells-Fargo rates, in order to conserve the interests of the people of the State of California before the Interstate Commission, the tribunal empowered by the laws of the land to consider and regulate matters of this kind";

WHEREAS, No investigation as recommended in said resolution has been held by the Railroad Commission of this State since the adoption of said resolution, therefore, be it

Resolved, That this Senate deplores the failure on the part of the Railroad Commission of this State to conduct such investigation, and again urges action by said Board on the subject-matter of said resolution.

Resolution read, and adopted.

RECESS.

At eleven o'clock A. M., on motion of Senator Wright, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Welch:

WHEREAS, It is reported that the Chinese Government has made, or is about to make, a contract with American shipbuilders, headed by Charles M. Schwab, Esq., to construct a fleet of war vessels for that country:

WHEREAS, Some of the best warships ever constructed were built in California shipyards at San Francisco; now, therefore, be it

Resolved, That three members of the Senate be appointed to take such steps as may be necessary to secure the construction in San Francisco of all or a portion of the proposed new vessels for the Chinese Navy.

Resolution read, and adopted.

RECESS.

At two o'clock and twenty-five minutes P. M., on motion of Senator Wright, the Acting President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MOTION.

Senator Leavitt moved that the question "Can this Legislature under the law amend, in any respect within the subject therein embraced, Senate Constitutional Amendment No. 1, as set forth in words and figures in the proclamation of the Governor convening this extraordinary session?" be referred to the Committee on Judiciary.

Motion duly seconded.

Motion carried.

RECESS.

At three o'clock and ten minutes P. M., on motion of Senator Estudillo, the President pro tem. declared the Senate at recess until four o'clock and thirty minutes P. M.

RECONVENED.

At four o'clock and thirty minutes P. M., the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

APPOINTMENT OF COMMITTEE.

In accordance with the provisions of the resolution relative to the construction of war vessels for the Chinese Government by American shipbuilders, offered by Senator Welch and adopted this day, the Acting President announced the appointment of the following named Senators as members of the committee created thereby: Senators Welch, Wolfe, and Kennedy.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received, and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: Your Committee on Judiciary, to which was submitted the question, "Can this Legislature under the law amend in any respect within the

subject therein embraced Senate Constitutional Amendment No. 1, as set forth in words and figures in the proclamation of the Governor concerning this extraordinary session?" beg leave to report that we have considered the same and are of the opinion that such question should be answered in the affirmative.

BOYNTON
CAMPELL
ANTHONY
WRIGHT
CUTTEN
CAMINETTI
ESTILL
THOMPSON
BURNETT
McCARNEY
WOLFE

I dissent from the above opinion, and, on the contrary, hold that in considering such Senate Constitutional Amendment No. 1 we are limited to the "presently" mentioned in the Governor's proclamation.

WILLIS, Chairman.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Wright, the Acting President, declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RECESS.

At eight o'clock and five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock and thirty minutes P. M. of this day.

RECONVENED.

At eight o'clock and thirty minutes P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up, and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt Senate Committee Substitute for Assembly Concurrent Resolutions Nos. 2 and 3.

THOS. G. WALKER, Chief Clerk of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

THOS. G. WALKER, Chief Clerk of the Assembly.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 2—An act making an appropriation for printing expenses of extraor-

dinary session of the Legislature and report that the same has been correctly enrolled.

And presented the same to the Governor on this 4th day of October, 1910, at three o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bills:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$30.50 out of the contingent appropriation of the Senate in payment of the following bills:

Pacific Telephone Co., installing telephone.....	\$5 00
Whisky Hill Water Company.....	5 00
J. L. Martin.....	10 00
J. G. McCall.....	5 00
Kane & Trainor Ice Company.....	2 00
Pacific Telephone service.....	3 50
Total	\$30 50

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 1?"

Amend by striking out of lines 208 and 209 of printed bill the words "until such tax has been actually paid."

Also:

By striking out of line 209 the word "such".

POINT OF ORDER.

Senator Willis made the following point of order, viz., that the amendment is not in accord with the provisions of the call of the Governor convening this extraordinary session.

The President pro tem. ruled upon the point of order as follows:

On yesterday, when Senate Constitutional Amendment No. 1 was before the Senate, Senator Caminetti offered an amendment to the measure under consideration.

Prior thereto a committee of seven Senators and seven Assemblymen had been appointed to consider whether or not, under the terms and limitations of the Governor's proclamation calling an extraordinary session of the Legislature, it was the privilege of either House to amend the constitutional amendment, as set forth in the Governor's proclamation, in any other way except what pertains to "uncertainty" mentioned in the Governor's call.

The Senate committee reported that it was the decision of the joint committee that the Legislature was confined to the "uncertainty" mentioned in the Governor's call, which report was adopted by the Senate by a vote of 27 ayes to 10 noes.

When Senator Caminetti offered his amendment, the President of the Senate ruled that it was out of order, on the ground that under the call of the Governor convening this extraordinary session, no amendment was in order, except what was specifically referred to in the call.

From this decision Senator Caminetti appealed. On a roll call, by a vote of 23 ayes to 11 noes, the decision of the President was affirmed.

To-day a motion passed the Senate unanimously that the Senate Judiciary Committee be requested to further investigate the subject and to report to the Senate their conclusions.

The Senate Judiciary Committee met and listened to an argument by the Attorney General of the State, and their attention was called, for the first time, to two decisions rendered in the State of Colorado by the Supreme Court of that state. The first being entitled *In re Governor's Proclamation*, reported in 35 Pacific Reporter, page 530, and the second being entitled *People ex rel. McGaffney vs. District Court of Arapahoe County et al.*, reported in 46 Pacific Reporter, page 681.

The Attorney General of the State gave as his opinion that these decisions were applicable to the situation now confronting the Legislature of the State of California convened under extraordinary session, and upon being put to a vote of 11 to 1, the Judiciary Committee decided that in their opinion "the Legislature can, under the law, amend in any respect within the subject therein embraced, Senate Constitutional Amendment No. 1, as set forth in words and figures in the proclamation of the Governor convening this extraordinary session."

In view of this report, and in view of the fact that, at the time the President of the Senate made his ruling on the point of order raised against the amendment introduced by Senator Caminetti, that the Senate had not the benefit of the California decisions referred to, before them, and in view of said decisions and the opinion of the Attorney General, the President now rules that the point of order raised by Senator Willis is not well taken.

The President believes that it is only fair to state to the Senate that the Judiciary Committee was not unanimous in its opinion, the chairman thereof, Senator Willis, having filed an opinion dissenting from that of the majority of the committee.

APPEAL FROM THE DECISION OF THE CHAIR.

Senator Willis appealed from the decision of the chair.

The President pro tem. put the question, "Shall the decision of the President pro tem. stand as the decision of the Senate?"

The roll was called, and the decision of the President pro tem. sustained by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobbridge, Thompson, Walker, Weed, Welch, and Wright—31.

NOES—Senator Willis—1.

Whereupon the roll was called, and the above Assembly amendments to Senate Constitutional Amendment No. 1 concurred in by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—Senator Willis—1.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 1?"

Amend by striking out of line 198 of the printed bill the words "San Bernardino and Placer counties" and inserting in lieu thereof the following: "any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Constitutional Amendment No. 1 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—Senators Anthony and Willis—2.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 1?"

On page 6, subdivision *f*, line 184, strike out the words "three fourths" and insert in lieu thereof the following: "two thirds".

The roll was called, and the above Assembly amendment to Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan,

han, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.
 NOES—Senator Willis—1.

SENATOR LEAVITT IN THE CHAIR.

At nine o'clock and ten minutes, Senator Leavitt, of the Sixteenth District, in the chair.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 1?"

Amend by striking out of subdivision c, line 97, the words "of six tenths".

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holahan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

Whereupon the Acting President announced that the Senate concurred in the above Assembly amendment to Senate Constitutional Amendment No. 1, by the following vote:

AYES—Senators Anthony, Bills, Birdsell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holahan, Hurd, Kennedy, Leavitt, McCartney, Price, Reily, Rush, Strobridge, Thompson, Walker, Weed, and Welch—28.

NOES—Senators Bell, Martinelli, Willis, Wolfe, and Wright—5.

Senate Constitutional Amendment No. 1 ordered to enrollment.

EXPLANATIONS OF VOTES.

Senator Hartman asked for, and was granted, permission to have the following explanation of his vote printed in the Journal:

I came to Sacramento with the understanding that all we were to consider was the amendment set forth in the Governor's proclamation. I am opposed to the consideration now of the amendment increasing the tax rate to be charged against the banks for the reason that no notice was given to the banking interests of the State, and they have had no opportunity of being heard. However, rather than have the whole Senate Constitutional Amendment No. 1 defeated by my vote, I change my vote from no to aye.

GUS HARTMAN.

Also:

Senators Boynton, Thompson, Price, Bills, Cartwright, and Strobridge asked for, and were granted, permission to have the following explanation of their votes printed in the Journal:

We voted to concur in the last amendment because we fully realized that the refusal by the Senate to concur with the Assembly in that amendment meant the absolute defeat of the entire constitutional amendment, which amendment, as amended at this extraordinary session, we believe, is the most acceptable that can be secured, and that the same as thus amended should be submitted to the electors of the State for their approval or disapproval.

GEO. W. CARTWRIGHT,
A. E. BOYNTON,
N. W. THOMPSON,
W. F. PRICE,
C. B. BILLS,
E. K. STROBRIDGE.

Also:

Senator Wolfe asked for, and was granted, permission to have the following explanation of his vote printed in the Journal:

I voted against concurring in this Assembly amendment to Senate Constitutional Amendment No. 1 because the whole subject-matter was fully considered at the regular session of the Legislature in 1909, at which time the bankers of the State were given a hearing before the Senate committee, after which both houses of the Legislature adopted Senate Constitutional Amendment No. 1, with the rate fixed at six tenths of one per cent, which it is now, without notice to the people of the State, including those interested in banking, proposed to increase. I believe that if it had been announced in the press that it was proposed to consider this increase in taxation, the only increase that has been proposed at this session, we would have heard a full discussion in committee from the parties affected, as well as from the advocates of the increase, from which I could properly determine whether this increase was just or whether the burden of the increase would not have to be borne by the depositors in banks and by those who are compelled to use the money of the banks in their business and in the development of the industries and resources of our State. In the absence of that information I am compelled to vote against the amendment. I have, however, voted to concur in all the other Assembly amendments to Senate Constitutional Amendment No. 1.

E. I. WOLFE.

Also:

Senator Willis asked for and was granted permission to have the following explanation of his vote printed in the Journal:

In explanation of my negative votes upon each Assembly amendment to Senate Constitutional Amendment No. 1, I desire it to be known that I approve the substance of some of such amendments, but oppose their adoption on the ground that under the proclamation of the Governor convening this extraordinary session of the Legislature, we have no legal authority to amend such proposed amendment in any respect other than as to the "uncertainty" therein, mentioned in the Governor's proclamation.

Also:

HENRY M. WILLIS.

Senator Caminetti asked for, and was granted, permission to have the following explanation of his vote printed in the Journal:

I voted aye on this and the other Assembly amendments on the merits of the respective amendments only. I am against Senate Constitutional Amendment No. 1, as a whole.

A. CAMINETTI.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up, and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 4.

THOS. G. WALKER, Chief Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Wolfe, Assembly Concurrent Resolution No. 4 was taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION NO. 4.

To rescind and annul a resolution, known as Senate Constitutional Amendment No. 1, adopted by the Legislature March 19, 1909, being a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

Resolved by the Legislature of the State of California, two thirds of all the members elected to each of the two houses thereof concurring. That a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation, adopted by the Legislature March 19, 1909, and known as Senate Constitutional Amendment No. 1, is hereby rescinded and annulled, and the Secretary of State is hereby directed not to certify said proposed amendment to the county clerks of the several counties of the State of California, pursuant to Section 1195 of the Political Code.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hartman, Holchan, Hurd, Leavitt, Martinelli, McCartney, Reily, Rush, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Caminetti, Hare, Kennedy, and Price—4.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Caminetti asked for, and was granted, permission to have the following explanation of his vote printed in the Journal:

I vote against this resolution because it is unconstitutional and contrary to law.

A. CAMINETTI.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved. That Senate Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cullen, Finn, Hare, Hartman, Holchan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1—An Act making appropriation for printing constitutional amendments.

Bill read second time.

Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Cannaday, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up, and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 4, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted committee substitute for Assembly Concurrent Resolution No. 5.

THOS. G. WALKER, Chief Clerk of the Assembly.

Assembly Concurrent Resolution No. 5 ordered on file without reference to committee.

LEAVES OF ABSENCE.

Senators Boynton, Leavitt, and Cutten were, on their own motions, granted leave of absence for Wednesday, October 5, 1910.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Senator Wright, the President declared the Senate adjourned until Wednesday, October 5, 1910, at nine o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER.

Wednesday, October 5, 1910.

Pursuant to adjournment the Senate met at nine o'clock and thirty minutes A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Hurd, Kennedy, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Willis, Wolfe, and Wright—23.

Quorum present.

PRAYER.

Prayer was offered by Rev. Father H. H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of October 4, 1910, the further reading was dispensed with, on motion of Senator Wright.

APPROVAL OF JOURNAL.

The Journals of Monday, October 3, and Tuesday, October 4, 1910, having been previously read and corrected, were approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received, and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, October 5, 1910.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$30.50 out of the Contingent Fund of the Senate in payment of the following bills:

Installing telephone	\$5 00
Whiskey Hill Water Co.	5 00
J. L. Martin	10 00
J. G. McCall	5 00
Kane & Trainor Ice Co.	2 00
Pacific Telephone service	3 50
	<hr/>
	\$30 50

Have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

WOLFE, Chairman.
KENNEDY.
RUSH.

Resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Burnett, Campbell, Cartwright, Curtin, Estudillo, Holohan, Hurd, Kennedy, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

ASSEMBLY MESSAGE.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 5, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully requests your honorable body to return to the Assembly Senate Committee Substitute for Assembly Concurrent Resolutions Nos. 2 and 3 for further consideration.

THOS. G. WALKER, Chief Clerk of the Assembly.

Senate Substitute for Assembly Concurrent Resolutions Nos. 2 and 3 ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Wright, Assembly Committee Substitute for Assembly Concurrent Resolution No. 5 was taken up for further consideration.

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION No. 5.

Resolved by the Assembly, the Senate concurring, That both houses of the Legislature of the State of California adjourn *sine die* at the hour of ten o'clock and thirty minutes A. M. of Wednesday, October 5, 1910.

Committee substitute for Assembly concurrent resolution read.

The question being upon the adoption of the committee substitute for Assembly concurrent resolution.

The roll was called, and Committee Substitute for Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Kennedy, Martinelli, McArthur, Price, Reedy, Rush, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Committee Substitute for Assembly Concurrent Resolution No. 5 ordered transmitted to the Assembly.

RECESS.

At ten o'clock and five minutes A. M., the President pro tem. declared the Senate at recess until ten o'clock and ten minutes A. M., of this day.

RECONVENED.

At ten o'clock and ten minutes A. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 5, 1910.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1.

THOS. G. WALKER, Chief Clerk of the Assembly.

Senate Bill No. 1 ordered to enrollment.

APPOINTMENT OF COMMITTEE.

The President pro tem. announced that he had appointed Senators Curtin and Black on the affirmative, and Senator Boynton on the negative, to prepare arguments relative to Senate Constitutional Amendment No. 1.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read and ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, October 5, 1910.

To the Senate of the State of California.

I have the honor to inform your honorable body that I have this day approved Senate Bill No. 2—An Act making an appropriation for printing expenses of extraordinary session of the Legislature.

J. N. GILLETT,
Governor of California.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

Resolved, That the State Printer be, and he is hereby, directed to print five thousand copies of Senate Constitutional Amendment No. 1, adopted on the 4th day of October, 1910, and deliver the same to the Secretary of State for public use and distribution.

Resolution read, and adopted.

LEAVES OF ABSENCE.

Senator Sanford was, on motion of Senator Curtin, granted leave of absence for the session.

Senator Bates was, on motion of Senator Wright, granted leave of absence for the session.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Senator Wright, the President pro tem. declared the Senate at recess until ten o'clock and twenty minutes A. M.

RECONVENED.

At ten o'clock and twenty minutes A. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

COMMUNICATION FROM THE ASSEMBLY.

At ten o'clock and twenty-five minutes A. M., a committee from the Assembly, Mr. Beardslee, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

RESOLUTION.

The following resolution was offered:

By Senator Martinelli:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn *sine die*, and ask if he has any further communication to transmit to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Martinelli, Estudillo, and Kennedy to notify the Governor of the readiness of the Senate to adjourn *sine die*.

RESOLUTION.

The following resolution was offered:

By Senator Welch:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Welch, Burnett, and Campbell, a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received, and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, October 5, 1910.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 1—An Act making an appropriation for the contingent expenses of the Senate for the thirty-ninth session of the Legislature.

Also: Senate Constitutional Amendment No. 1.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 5th day of October, 1910, at ten o'clock and twenty-six minutes A. M.

STROBRIDGE, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read, and ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, October 5, 1910.

To the Senate of the State of California.

I have the honor to inform your honorable body that I have approved Senate Bill No. 1—An Act making an appropriation for printing constitutional amendments.

J. N. GILLET,
Governor of California.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Price:

WHEREAS, On the morning of October 1, 1910, the people of the State of California were appalled at learning of the destruction of the property and building of the Los Angeles Times, in the city of Los Angeles, carrying with it the sacrifice of the lives of many of our citizens therein employed; and

WHEREAS, It is claimed that this frightful destruction of lives and property was caused by the commission of a fiendish crime; now, therefore, be it

Resolved, That the members of the Senate of the State of California most deeply deplore the sacrifice of said lives and destruction of said property, and tender to the relatives and friends of those destroyed in said catastrophe our heartfelt sympathy; and be it further

Resolved, That the attention of the Governor of the State of California is hereby called to said catastrophe or crime and request him to investigate the circumstances, and to offer such reward as in his judgment he may deem advisable.

Resolution read, and adopted.

REPORT OF SPECIAL COMMITTEE.

Senator Martinelli, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he had no further communication to present to the Senate.

REPORT OF SPECIAL COMMITTEE.

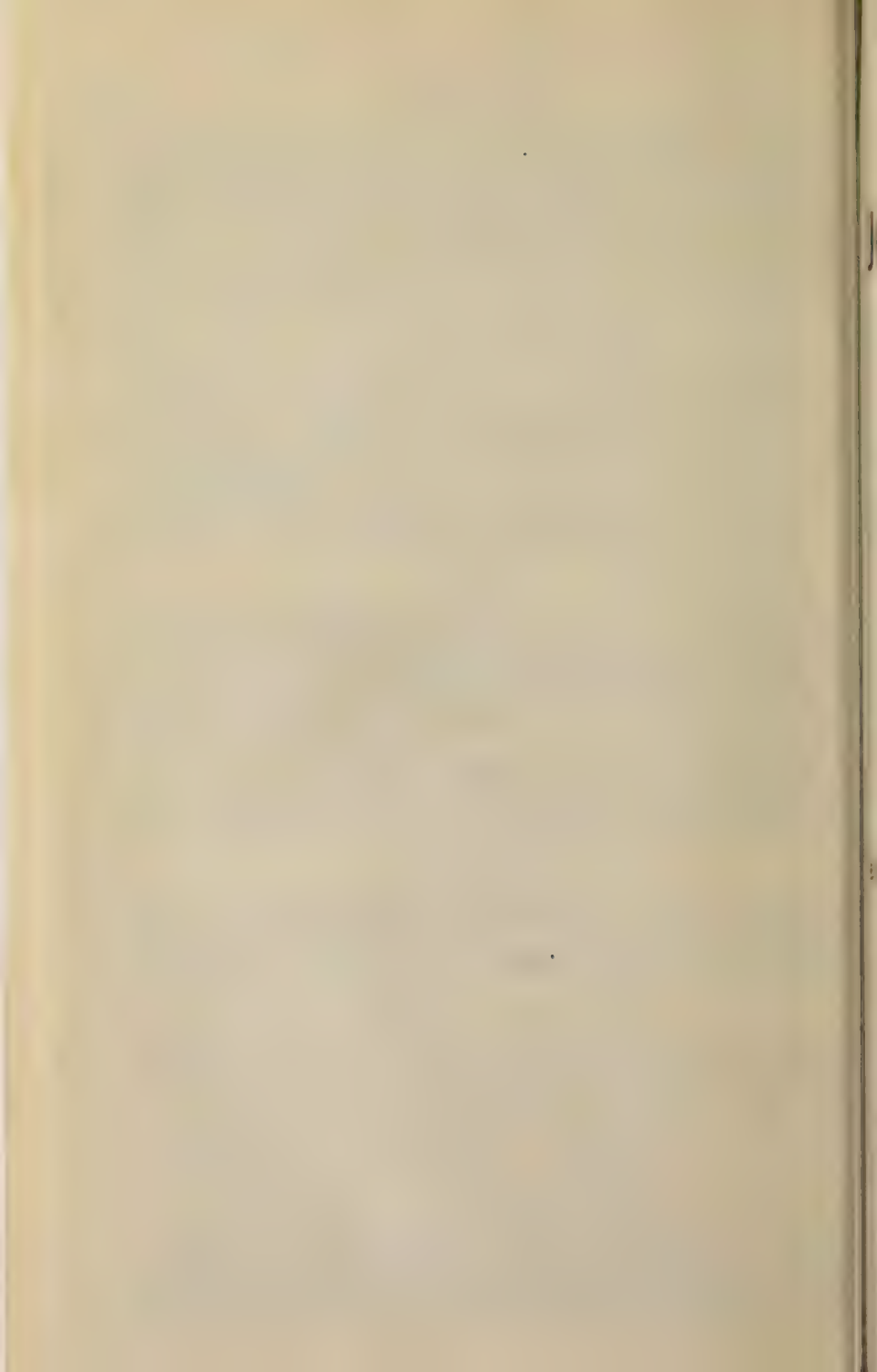
Senators Welch, Burnett, and Campbell, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

APPROVAL OF MINUTES.

The minutes of Wednesday, October 5, 1910, were read, and approved.

FINAL ADJOURNMENT.

At ten o'clock and thirty minutes A. M., in accordance with the provisions of Committee Substitute for Assembly Concurrent Resolution No. 5, Senator E. I. Wolfe, President pro tem. of the Senate, declared the thirty-eighth (second extra) session of the Senate of the State of California adjourned *sine die*.



THE
JOURNAL OF THE SENATE

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OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA

1911

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON MONDAY, MARCH
TWENTY-SEVENTH, NINETEEN HUNDRED AND ELEVEN



SACRAMENTO
W. W. SHANNON - - - SUPERINTENDENT OF STATE PRINTING
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"	11	815	"	24	2454
"	13	834	"	25	2527
"	14	870	"	26	2589
"	15	905	"	27	2638

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-NINTH SESSION.

IN SENATE.

SENATE CHAMBER.

Monday, January 2, 1911.

The hour of twelve o'clock M. having arrived, Hon. Warren R. Porter, Lieutenant Governor, and President of the Senate, called the Senators and Senators-elect to order, and announced that the thirty-ninth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the thirty-eighth session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Lewis A. Hilborn, Secretary, W. H. Wright, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms.

PRAYER.

By invitation of the President, prayer was then offered by the Rev. Father H. H. Wyman.

RESOLUTION.

The following resolution was offered:
By Senator Wolfe:

Resolved, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and adopted.

CERTIFICATE FROM SECRETARY OF STATE.

The President directed the Secretary to read the certificate received from the Secretary of State.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over Senators, together with those duly elected at the general election, held on the 8th day of November, A. D. 1910, to represent the people of the State of California at the thirty-ninth session of the Legislature of the said State of California, as appears from the statement of vote received from the county clerks of the county or counties and the registrar of voters of the city and county of San Francisco, comprising the several senatorial districts of the State of California, said statement of vote being a record, and on file in this office.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this 2d day of January, A. D. 1911.

C. F. CURRY, Secretary of State.

NAMES OF SENATORS.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

First District—Del Norte, Humboldt, Trinity, Tehama: Charles P. Cutten.
Third District—Plumas, Sierra, Nevada, Placer: E. S. Birdsall.
Fifth District—Napa, Solano: B. F. Rush.
Seventh District—Sacramento: Charles B. Bills.
Ninth District—Contra Costa, Marin: E. B. Martinelli.
Eleventh District—San Joaquin: John T. Lewis.
Thirteenth District—Alameda: Edward K. Strobbridge.
Fifteenth District—Alameda: John W. Stetson.
Seventeenth District—San Francisco: Thos. F. Finn.
Nineteenth District—San Francisco: R. J. Welch.
Twenty-first District—San Francisco: Edw. I. Wolfe.
Twenty-third District—San Francisco: John P. Hare.
Twenty-fifth District—San Francisco: Lester G. Burnett.
Twenty-seventh District—Santa Clara: Geo. S. Walker.
Twenty-ninth District—Santa Cruz, San Mateo: James B. Holohan.
Thirty-first District—Monterey, San Benito, San Luis Obispo: A. E. Campbell.
Thirty-third District—Santa Barbara, Ventura: L. H. Roseberry.
Thirty-fifth District—Los Angeles: Newton W. Thompson.
Thirty-seventh District—Los Angeles: H. M. Hurd.
Thirty-ninth District—Orange, Riverside: M. Estudillo.

SENATORS-ELECT.

Second District—Modoc, Lassen, Siskiyou, Shasta: T. W. H. Shanahan.
Fourth District—Lake, Mendocino, Colusa, Glenn: J. B. Sanford.
Sixth District—Butte, Sutter, Yolo, Yuba: Albert E. Boynton.
Eighth District—Sonoma: Louis W. Juilliard.
Tenth District—Alpine, Amador, Calaveras, El Dorado, Mono: A. Caminetti.
Twelfth District—Madera, Mariposa, Merced, Stanislaus, Tuolumne: J. B. Curtin.
Fourteenth District—Alameda: George J. Hans.
Sixteenth District—Alameda: Edward J. Tyrrell.
Eighteenth District—San Francisco: Daniel P. Regan.
Twentieth District—San Francisco: Edward F. Bryant.
Twenty-second District—San Francisco: John J. Cassidy.
Twenty-fourth District—San Francisco: Dominick J. Beban.
Twenty-sixth District—Fresno: Geo. W. Cartwright.
Twenty-eighth District—Santa Clara: Marshall Black.
Thirtieth District—Inyo, San Bernardino: John L. Avey.
Thirty-second District—Kern, Kings, Tulare: E. O. Larkins.
Thirty-fourth District—Los Angeles: Lee C. Gates.
Thirty-sixth District—Los Angeles: Charles W. Bell.
Thirty-eighth District—Los Angeles: Leslie R. Hewitt.
Fortieth District—San Diego: Leroy A. Wright.

Ordered on file.

The President directed the Secretary to call the roll of hold-over Senators.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Bills, Birdsall, Burnett, Campbell, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Welch and Wolfe—20.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Avey, Beban, Bell, Black, Boynton, Bryant, Cassidy, Curtin, Gates, Hans, Hewitt, Juilliard, Larkins, Regan, Sanford, Shanahan, Tyrrell, and Wright—18.

The President thereupon announced that the roll call disclosed eighteen Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE ADMINISTERED.

The members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. Warren R. Porter, Lieutenant Governor, President of the Senate:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

The President announced the qualification of the eighteen Senators-elect, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate announced that by virtue of the authority vested in him by Section 237 of the Political Code, he had made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Ola H. Goss.

Gatekeepers—Wallace Strait and L. J. Christer.

Pages—Harold Chinn, Wm. Saunders, and Frank Branch.

APPOINTMENT BY SERGEANT-AT-ARMS.

The Sergeant-at-Arms of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointment of attaché for the temporary organization of the Senate:

Assistant Sergeant-at-Arms—Joseph G. McCall.

TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

By Senator Bell:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:

President pro tem.
Secretary of Senate.
Sergeant-at-Arms.
Minute Clerk.
Chaplain.

Resolution read, and adopted.

The President thereupon declared nominations for the office of President pro tem. of the Senate in order.

NOMINATION FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Stetson placed in nomination for the office of President pro tem. of the Senate the Hon. A. E. Boynton of Oroville, State Senator from the Sixth District.

The nomination of Senator Boynton was seconded by Senator Wolfe. Senator Sanford placed in nomination the Hon. J. B. Curtin of Sonora, State Senator from the Twelfth Senatorial District.

Senator Curtin withdrew his name in favor of Senator Boynton, requesting that the nomination of Senator Boynton be made unanimous.

The President put the question, "Are there any further nominations for President pro tem. of the Senate for the thirty-ninth session of the Legislature?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Hon. A. E. Boynton—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Whereupon the President declared Senator Boynton duly elected President pro tem. of the Senate for the thirty-ninth session of the Legislature.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Lewis placed the name of Walter N. Parrish of San Joaquin County in nomination for Secretary of the Senate.

The President put the question, "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Walter N. Parrish—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Whereupon the President declared Walter N. Parrish duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Tyrrell placed the name of Joseph L. Coughlin of Alameda County in nomination for Sergeant-at-Arms of the Senate.

The President put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For J. L. Coughlin—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Whereupon the President declared Joseph L. Coughlin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF MINUTE CLERK OF THE SENATE

The President declared nominations for Minute Clerk of the Senate in order.

Senator Thompson placed the name of R. H. Jackson of Los Angeles County in nomination for Minute Clerk of the Senate.

The President put the question, "Are there any other nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For R. H. Jackson—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Whereupon the President declared R. H. Jackson duly and unanimously elected Minute Clerk of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Burnett placed the name of the Rev. Father Henry H. Wyman of the city and county of San Francisco in nomination for Chaplain of the Senate.

The nomination was seconded by Senator Wolfe.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Rev. Father H. H. Wyman—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Whereupon the President declared Rev. Father Henry H. Wyman duly and unanimously elected Chaplain of the Senate.

RESOLUTION.

The following resolution was offered:

By Senator Stetson:

Resolved, That the Standing Rules of the Senate of the thirty-eighth session of the Legislature of the State of California be and they are hereby adopted as the temporary rules of the Senate of the thirty-ninth session, excepting Rule 8, and amending Rule 1 to read as follows:

"The sessions of the Senate shall be daily, Sundays excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate."

Resolution read, and adopted.

TEMPORARY RULES OF THE SENATE.

Time of Meeting of Senate.

1. The sessions of the Senate shall be daily, Sunday excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

Calling to Order.

2. The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

ORDER OF BUSINESS.

3. Order of Business :

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order : *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

President—His Powers and Prerogatives.

4. The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

President May Order Lobbies Cleared.

5. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

President May Call Senators to the Chair.

6. The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President ; but such substitute shall not lose the right of voting on any question while so presiding.

Appointment of Committees.

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

President pro tem.—His Powers and Privileges.

9. The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President ; but the President pro tem. shall vote only as any other member of the Senate.

The Duties of Secretary.

10. It shall be the duty of the Secretary of the Senate :

1. To attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.
2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employes of the Senate. To certify to and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct journal of the proceedings of the Senate.
4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign to the attachés and employes the duties pertaining to their offices.

No Records or Papers to be Taken from Desk.

11. The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee ; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

Sergeant-at-Arms.

12. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

Printed Bills, etc., Must be Placed on Desks.

13. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of the session.

Doorkeeper.

14. It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

Lobbying.

15. No person engaged in presenting to the Senate or its committees any business, or claim for legislation, shall be permitted to engage in such business during sessions of the Senate, or be permitted on the floor of the Senate during its sessions. And any person transgressing this rule shall be removed from the floor of the Senate and be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tem, are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

Attendance, Duties, and Obligations of Senators.

16. No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

SENATORS MUST ADDRESS THE PRESIDENT.

17. Senators must address the President:

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

The Senator Entitled to Floor.

18. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

Senator, When Called to Order, Must Sit Down.

19. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

Voting.

20. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

Printing.

21. Seven hundred and fifty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matters, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

Number of Copies to be Printed.

22. Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

Number of Copies to be Printed of Journal.

23. The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

What Shall be Printed in the Journal.

24. Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

Petitions.

25. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.

26. The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

Printing for the Senate.

27. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

INTRODUCTION AND READING OF BILLS.

28. Introduction and reading of bills:

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes, dispense with this provision, and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

Order of Engrossing and Enrolling Bills.

29. All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt

from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

Engrossed Bills to be Examined and Reported

30. All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

Assembly Bills to be Read First Time.

31. All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

Reference of Bills to Finance Committee.

32. All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

Committees When to Report.

33. All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

Standing Committees, Quorum of—What Constitutes

34. Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

Leave of Absence to Committee.

35. When leave of absence shall be granted to any committee, special or standing, to visit public buildings, or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attaches shall be allowed.

Claims on Contingent Fund Must Go to Committee on Contingent Expenses

36. No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

Executive Communications and Nominations to Committee.

37. When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

San Francisco Delegation.

38. The members of the Senate from the city and county of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

The General File: Its Hours—Special Order of Bills on File.

39. The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

Bills "Passed on File," Placed at Foot of File.

40. When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

Engrossed Bills Have Preference.

41. All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

Order of Questions or Motion to Refer.

42. When a question shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole House.
2. A Selecting Committee.
3. A Select Committee.

Order of Questions Under Debate.

43. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Motion Not to be Debated Until Seconded and Announced.

44. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

Reading of a Paper, if Objected to, Determined Without Debate.

45. When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

Amendments and Substitutes—When in Order.

46. Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

Amendments and Substitutes Must be Germane.

47. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

Least Sum and Shortest Time in Filling Blanks.

48. In filling up blanks, the least sum or number and the shortest time shall be put first.

Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.

49. When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall be required to decide any question for amendment, or extend to the merits, being short of the final question.

Notice of Reconsideration.

50. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed, or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed, or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

Reconsideration of Bills Sent to Assembly.

51. When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.

52. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

Motion to Reconsider May be Debated.

53. A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

AMENDMENTS TO ORIGINAL QUESTIONS

54. Amendments to original question :

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided ; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert ; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.

55. The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendments shall be received for discussion at the third reading of any bill ; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

Special Orders.

56. Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Form of Previous Question—Call of Senate.

57. The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division ; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

Ayes and Noes; Members Must Answer—No Vote After Announcement of Vote.

58. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

Rules in Senate and Committee of the Whole.

59. The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

Suspending and Changing Rules.

60. No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor ; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

Executive Session.

61. On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed ; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

Messengers—When Introduced.

62. Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

Smoking.

63. No smoking shall be allowed within the Senate Chamber.

Cases Not Provided for, Cushing to Govern.

64. In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Amendment to Rule 49 (adopted March 6, 1905, as follows):

Amend Rule 49 of Senate rules, by adding the following: "*Provided*, there shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration."

RESOLUTIONS.

The following resolutions were offered:

By Senator Welch:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—A. E. Boynton.
Secretary of Senate—Walter N. Parrish.
Sergeant-at-Arms—Jos. L. Coughlin.
Minute Clerk—R. H. Jackson.
Chaplain—Rev. Father H. H. Wyman.

Resolution read, and adopted.

Also:

By Senator Black:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and adopted.

APPOINTMENT BY THE SECRETARY.

The following communication was received, and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed W. H. Wright, Assistant Secretary and Clerk of Committee on Printing, at a per diem of nine dollars, and respectfully ask the consent of the Senate thereto.

WALTER N. PARRISH, Secretary of Senate.

CONFIRMATION OF APPOINTMENT BY SECRETARY.

Senator Boynton moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, with the following result:

AYES.—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

NOES.—None.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Black, Wolfe, and Curtin to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION.

The following Senate Concurrent Resolution was introduced:

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the

Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Resolution read. •

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—35.
 NOES—None.

Senate Concurrent Resolution No. 1 ordered to print, considered engrossed, and transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

The President of the Senate announced that he had appointed Senators Estudillo, Bills, and Holohan as a special committee in accordance with the provisions of Senate Concurrent Resolution No. 1.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Estudillo, the President declared the Senate at recess until twelve o'clock and fifty minutes P. M.

RECONVENED.

At twelve o'clock and fifty minutes P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 2, 1911.

MR. PRESIDENT: Your special committee appointed to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make, respectfully reports that they have communicated with the Governor as directed, and that His Excellency notified the committee that he would communicate with the Senate at 4 P. M.

BLACK, Chairman.

The special committee was thereupon discharged.

RECESS.

At one o'clock and ten minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until four o'clock P. M.

RECONVENED.

At four o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
 SACRAMENTO, January 2, 1911.

To the Senate of the State of California:

I have to inform your honorable body that since March 24, 1909, the date of the adjournment of the thirty-eighth session of the Legislature, I have made the following appointments which under Section 2520 of the Political Code could only be confirmed

at a regular session of the Legislature. I request your concurrence and consent thereto:

April 16, 1909, L. A. Creelman, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice W. H. Pringle, term expired.

April 16, 1909, Fred W. Jackson, of San Diego, a member of the Board of Harbor Commissioners of the Bay of San Diego, vice Eugene De Burn, term expired.

March 21, 1910, W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners, vice self, term expired.

I have also made the following appointments since the adjournment of the extra session of the thirty-eighth Legislature, October 5, 1910, and ask your concurrence and consent thereto:

October 6, 1910, Chester Rowell, of Fresno, a member of the Board of Regents of the University of California, vice self, term expired.

October 6, 1910, Charles William Slack, of San Francisco, a member of Board of Regents of the University of California, vice self, term expired.

October 8, 1910, A. B. Cass, of Los Angeles, a member of the Board of Trustees of the State Normal School of Los Angeles, vice self, term expired.

October 8, 1910, M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

October 10, 1910, Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, term expired.

October 10, 1910, John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, term expired.

November 1, 1910, David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, vice Wm. G. Henshaw.

November 29, 1910, Harry H. Mayberry, of Alhambra, a member of the State Normal School at Los Angeles, vice H. C. Booth, resigned.

December 16, 1910, George V. Steed, of San Francisco, a member of the Board of Fish and Game Commissioners, vice Lendal M. Gray, deceased.

J. N. GILLETT, Governor.

Message read and, on motion of Senator Boynton, ordered printed in the Journal and referred to Committee on Executive Communications, hereafter to be appointed.

BIENNIAL MESSAGE FROM THE GOVERNOR.

On motion of Senator Wolfe, the following biennial message from the Governor was read, and ordered printed in the Journal:

SECOND BIENNIAL MESSAGE OF GOVERNOR JAMES N. GILLETT.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 2, 1911.

To the Senate and Assembly:

Under the provisions of Section 10 of Article V of the Constitution of this State, it becomes my official duty to communicate by message to you the condition of the State, and recommend such matters as are deemed expedient.

We must all necessarily look to the incoming Governor for the policy of the next four years, and predicting for him that course which in his judgment will be for the best interest of our State, it is not my wish or intention to hamper my successor by recommendations as to new legislation. I will attempt, therefore, to confine whatever recommendations I make herein to aid in carrying out to a successful conclusion those matters already provided for by law which I deem highly important at this time. I desire also to make certain suggestions which past experience has indicated may help to make the term of my successor more certain of success and redound to the general welfare of the State, and to set forth such recommendations as have been brought directly to my attention by the several officers, departments, and commissions which go to make up our state government, through their annual and biennial reports made to me since the meeting of the last Legislature.

It is with pardonable pride, I hope, that I may now, at the end of my administration, allude briefly to the more important acts which have become laws during my term of office. Since my inauguration there have been enacted a number of very important laws, among which I may mention the "State Highway Act," which, as a far-reaching measure for the State's future general welfare and prosperity, has never been excelled by any law heretofore passed; a modern and comprehensive "Banking Law," which is second to none, in my opinion, to that of any of our sister states; a "Pure Food Law," under which our State Board of Health has done much to protect the health of our people, and prevent frauds in our foodstuffs; a "Railroad Rate Law," a "Reciprocal Demurrage Law," an "Employers' Liability Act," an "Anti-Trust Law," an "Anti-Racetrack Gambling Law," an "Act creating the Department of Engineering," and a "Direct Primary Election Law."

Much has also been accomplished during the last two years by our state government looking to the ultimate making of the Sacramento and San Joaquin rivers great highways of trade and commerce, and the reclamation of thousands of acres of most fertile lands lying within their valleys. Steps also have been taken which are certain to make San Francisco's harbor one of the very best and cheapest in the entire world, and to insure for all time its ability to take care of the great commerce which will inevitably come to it. And, with the improvements that are contemplated for the beautiful harbor of San Diego, which have been made possible by a bond proposition submitted by the thirty-eighth session of the Legislature and adopted at the last general state election, California will, with the improved San Pedro and other harbors, be well able to take care of the fleets of the world long before the time for holding the Panama-Pacific Exposition in 1915 at San Francisco.

FINANCIAL AFFAIRS.

The State is in a splendid financial condition. At the end of the last fiscal year there remained in the treasury a balance of \$7,201,219.82. The balance over all obligations incurred or to accrue is in excess of \$2,000,000.00, the largest balance by more than \$1,000,000.00 ever left in the treasury at the end of any previous administration. This condition of most satisfactory solvency is especially pleasing when the tax rates of this administration are compared with previous years.

The tax rates under the administration of Governor Gage were as follows:

1899	.....	601
1900	.....	498
1901	.....	48
1902	.....	382

Under the administration of Governor Pardee the rates were as follows:

1903	.....	561
1904	.....	535
1905	.....	49
1906	.....	476

During the past four years the rates were:

1907	.....	445
1908	.....	40
1909	.....	64
1910	.....	353

A more ready comparison can be made by an inspection of the average rates on each \$100.00 of assessed valuation of the last five administrations:

Markham's administration	.....	48.7 cents
Budd's administration	.....	52.8 cents
Gage's administration	.....	49.0 cents
Pardee's administration	.....	51.5 cents
Gillett's administration	.....	39.0 cents

STATE HIGHWAY ACT.

At the last session of the Legislature I prepared and submitted to that body a measure providing for the issuance of \$18,000,000.00 of bonds, for the acquisition, construction, and maintenance of a system of state highways. This bill was prepared with great care, and was drafted with an idea that it should serve as a model for future bond issues in this State.

I am greatly indebted to the Attorney General of this State for his services in putting this bill in proper legal form, and also to the State Treasurer for his most excellent advice and suggestions relating to the method for the issuance and sale of the bonds provided for in the Act.

As originally introduced, the bill provided that all public highways lying within the right of way of such state highway should become a part thereof without compensation being made therefor.

Objection to this broad provision was made by the representatives of certain counties where highways had been constructed under bond issues, and the argument was advanced that these highways recently constructed were of the same class and character of the proposed state highway; and that the counties had become indebted for the same, and that it would be unfair to compel them to transfer such highways to the State free of cost, and they should, therefore, receive some compensation therefor.

I concurred in this view, and the original bill was amended in such a manner as to permit the State of California to compensate the counties for all highways permanently improved and constructed under bond issues within three years prior to the adoption of this Act, and which came up to the standard required of a state highway.

I wish to call particular attention to this matter, as it has repeatedly been claimed that there was no provision in this Act providing for compensating counties which had permanently improved highways lying within the right of way of the state highway. There is more or less excuse for this error because of a peculiar mistake made in punctuation in the printing of the statutes.

As originally passed by the Legislature and approved by me, the bill provided that the only highways which would be taken without compensation were those not permanently improved under county or road district bond issues. Under the erroneous punctuation in the printed statutes this provision does not appear. I call attention to this matter so that those interpreting this law may not be misled, but will refer to the original statute as passed and approved by me and now in the office of the Secretary of State.

Before leaving this subject I wish to add that the bond issue as submitted to the people was correctly published, and conforms entirely with the statute as passed by the Legislature and approved by the Governor.

An additional objection made to this bill is that there is no provision made therein for the maintenance of the highways after construction. The Act does provide specifically, in the last sentence of Section 8 thereof, "that all highways constructed or acquired under the provisions of this Act shall be permanently maintained and controlled by the State of California."

As I was largely instrumental in the submission of this Act to the people, I certainly take the deepest interest in the proper construction of these highways and their maintenance thereafter by the State. Inasmuch as there must be additional legislation to provide a working system under which these roads may be constructed and maintained, I feel that it will not be deemed amiss for me to make some suggestions relative thereto.

I have fully realized during my official term that the Governor is held responsible for the successful performance of all public affairs, even though the execution of such affairs may be in the hands of a commission. Often his only connection therewith relates back to the appointment of such commission. In many instances the Governor loses control over such commission after its appointment. He may give his advice, but the advice is not necessarily followed. In many instances the advice is neither sought nor desired. At times the work of the commission may be in direct conflict with the wishes of the Governor, and yet because of his connection with the commission through his power of appointment he is held responsible for their every act.

In the preparation of this bill I sought to place the responsibility of carrying out its provisions directly upon the Governor, by placing the work under the control of the Department of Engineering, of which the Governor is the head, and all the members of which receive appointments directly from him. If the work is not done in accord with his wishes he can correct it. He is the one responsible party for the performance of this work, and is given supreme power to see that it is properly and faithfully performed.

In an undertaking of this magnitude I was opposed to having it referred to a commission which might be out of harmony with the Governor, and which could do the work without consultation with him or perhaps in defiance of his wishes.

The successful performance of this great project is, therefore, entirely in the hands of the Governor, and he is the one primarily responsible for its successful completion, and I believe that this thought should be kept in mind in framing all future legislation affecting the construction of said highways.

A great mistake can be made in placing this work in the hands of incompetent and unskilled men. To secure good results the most competent men to be found, with large experience and superior past record, should be secured, and the salaries paid should be sufficient to attract such men. Therefore, the Department of Engineering should be granted the power and authority to reach out to any portion of the United States or Europe to find the men best qualified, from technical knowledge and experience, to carry on the practical work. The work of building this state highway should be most carefully planned and considered, so that when completed it will compare favorably with the best roads of Europe or of this country.

The employees of this department should not be appointed for a definite fixed term, but should receive their appointment directly from the Governor, holding office at his pleasure, removable at his will, and subject at all times to his orders. So long as he remains the party responsible for the successful construction of these roads, he should be given the fullest power to control the work. He should be given absolute power of removal, and should not hesitate to use such power upon the slightest appearance of neglect, incompetency, or wrongdoing.

When vested with these powers, the people can truthfully and with propriety hold him responsible for its success. Anything short of this full and ample authority would be to the detriment of the work and should relieve him from this responsibility. I would therefore suggest that you be liberal in your laws, investing the Governor with most ample powers, and giving to him the absolute discretion in the appointment of subordinates and control over their actions.

Every contract let should receive the approval of the Department of Engineering. These contracts should be submitted to the Governor and should be under his personal supervision and control, acting through this department.

On account of the diversity of soil and the differing conditions throughout the State it is impossible to prescribe any one kind of road to be constructed, and the roads should be built in the manner most suitable to the conditions surrounding them. What would be suitable for one portion of the State might not be sufficient or might be more than would be necessary for another portion of the State. These

things can only be determined by actual experience and knowledge surrounding road work and road construction.

The highways to be selected and improved should be chosen with great care, and by those who have no direct interest in such choice other than securing the best route. And when so chosen the route should be proscribed in the Act, and should be so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the State, traversing the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practical routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

The people of the State of California, by their votes and confidence in the success of this project, are entitled to receive the very best service and results for their expenditure. This work can not be left to take care of itself, but must be watched with the utmost diligence in order to secure the best results. If the expenditure of this money is not wisely made and the best results obtained, the good roads movement in California will suffer a severe setback. Failure can only come from incompetency and inattention on the part of those in charge. It would be a misfortune for this vast sum of money, or any part of it, to be wasted. The fund should be used to the very best advantage in order to carry on this work to a conclusion, giving to the most remote county seats the benefit of this highway, connecting them with the centers of trade and markets for their products.

The people's confidence must not be abused, and it is due to them that the members of the Legislature should vest in the Governor the most ample and complete authority to carry on this work to a successful termination, enabling him to prevent neglect, incompetence, graft, or official corruption.

Before concluding this subject I desire to call your attention to the matter of constructing a road from Jackson, the county seat of Amador County, to Bridgeport, the county seat of Mono County, and the improvement and reconstruction where necessary of the road from Bridgeport southward through Mono County, connecting with the eastern terminus of the Tioga Pass road, recently constructed by the State, thence into Inyo County through Bishop, Big Pine, Independence, the county seat, and Lone Pine to Mojave, there to connect with the road to Bakersfield, the county seat of Kern County, such road to be made in accordance with the most approved principles of scientific highway construction adapted to all classes of traffic and particularly to that of tourists with motor cars.

This road is not specifically provided for under the provisions of the Highway Act, except so far as the same is included under the general provision of connecting outlying county seats with the main state highway. The importance of this road can not be overestimated, as it will open up one of the most fertile portions of this great State, with abundant promise of immense development.

A model highway along the route suggested would quickly acquire an international fame and form a scenic thoroughfare unsurpassed, if not unequalled, by any other in the world, and it would skirt for many miles the beautiful Sierras, and would penetrate into the very heart of this magnificent range of mountains. Such a highway would annually attract to this State thousands of tourists.

STATE HOSPITALS FOR THE INSANE.

The population of our state hospitals for the insane is steadily increasing. During the last biennial period ending June 30, 1910, there were received into our state hospitals 3,531 patients, as compared with 3,018 during the previous two years, and the total population of the hospitals at the end of the last fiscal year was 7,136. But, while it is true that the number of insane in our state hospitals has been increasing quite rapidly for years past, yet we are fortunate in the fact that the increase has not kept pace with the increase in our state population.

The Government census of 1900 shows that California had a population that year of 1,485,053. The insane in our hospitals at that time was 5,276, or one insane person to every 281 of the general population. The census of 1910 gives us a total population of 2,377,549, and our hospital population being 7,136, we thus have one insane person to every 333 of the State's population. With an increase of 60 per cent in population for the past ten years, there has been an increase during the same period of but 35 per cent in the insane under state care.

TREATMENT OF PATIENTS.

During the past two years considerable advance has been made in our state hospitals for the better care and curative treatment of the patients. Four of our hospitals have opened receiving and treatment buildings fully equipped with apparatus for hydrotherapeutic treatment, and having skilled nurses in attendance. The reports of the several medical superintendents show that markedly successful results have been obtained from the adoption of these modern methods for the treatment of the insane.

The percentage of complete recoveries for the biennial period, taking the entire hospital system of our State, has reached 35 per cent.

PERMANENT IMPROVEMENTS AND BUILDINGS.

Much building work and permanent improvements of a general nature have been completed in the last two years. Among the improvements completed or practically so, and including ten buildings at Agnews, are twenty-one buildings for patients' use. While the expenditure has been large it has been necessary, and the result has been increased comfort for patients, increased capacity, and an enlargement and betterment of the facilities for their successful treatment.

APPROPRIATIONS.

While the State by liberal appropriations in the past two years has largely increased the capacity of our hospitals, the work of enlargement must still continue, for we have to make provision to take care of a yearly increase of 200 or more patients.

COLLECTION OF HOSPITAL ACCOUNTS.

Somewhat over three years ago the State Lunacy Commission adopted a system for the collection of money due the several state hospitals by reason of monthly board accounts of pay patients. It is gratifying to note that under the supervision of the secretary of the Commission, who is virtually the author of the system, the State has received thereby on an average of over \$3,000 a month more money than ever before in its history. Hospital collections for the last fiscal year reached the sum of \$158,346.03. Before the adoption of the present system the highest annual collection was \$106,541.98.

DEPORTATION OF ALIENS.

During the past fifteen months, since this work has been assumed by it, the State Lunacy Commission has actively and successfully carried forward a plan for the general deportation of aliens who have been committed to our asylums. The commission has induced the United States Government to deport sixty-four patients, while friends and relatives have sent home twenty-six more. This without any cost to the State. And, through the assistance of the Japanese Consul at San Francisco, there have been returned to Japan thirty-one Japanese patients.

VOLUNTARY COMMITMENTS AND CARE OF INEBRIATES.

I believe that some method looking to the more prompt treatment of mental cases in the early stages should be adopted, and with this in view I recommend that the lunacy law be amended so as to permit of voluntary admissions to state hospitals upon personal applications, in addition of course to our present method by commitment after a judicial investigation in open court. The commitment of mental cases to state hospitals is unavoidably delayed by the legal proceedings necessary to bring about the lawful entrance into a state hospital. This objection can be overcome when desirable by voluntary admissions. Also, with voluntary admissions on direct written application from the patient, the stigma of being legally pronounced insane will be avoided, while the danger of illegal detention can be obviated by providing that a voluntary patient must be discharged upon his written demand. It is not believed that more than a small percentage of admissions will be voluntary, but it affords a way of providing for the advantages of an early treatment in certain classes of cases. Many of the Eastern States have a similar plan, and I believe our State could adopt it with good results.

I believe it would also be well to amend the lunacy law to permit the commitment of inebriates and drug habitues for such definite periods of time as will permit of the necessary treatment. Under the law as it now exists we can not hold these cases of temporary insane long enough to obtain radical benefit. The result is that a great majority of this class are discharged only to be recommitted in a comparatively short space of time, and some of them are committed even the third and fourth time.

GENERAL SUPERINTENDENT OF STATE HOSPITALS.

Finally, I wish to say, before concluding the subject of the care of our state insane, that in my opinion California is very fortunate in having at the head of its hospitals, Mr. F. W. Hatch. For over thirteen years Dr. Hatch, as the General Superintendent of State Hospitals, has been in practical charge of our state hospital system, and I believe that no state officer has worked more conscientiously and efficiently than he, and to him more than to any other person can we credit the high standard to which our state hospitals for the insane have been brought.

STATE BOARD OF HARBOR COMMISSIONERS.

It is especially pleasing to me to again direct your attention to the splendid work done by the present State Board of Harbor Commissioners in improving the water front of San Francisco.

In my campaign for Governor I felt and stated that the State was entitled to receive the services of the best men obtainable for appointment as members of this board. I was careful to select men of large administrative experience and fully

capable of carrying on the work necessary to be done with ability and to complete success. Under their splendid administration thousands of feet of new seawall and bulkhead wharves have been constructed; the trackage of the belt railroad increased more than 10,000 feet, seawall lots having a value of over \$1,000,000 created; and large additions made to the street area. These seawall lots have been leased as fast as acquired at a good rate of interest upon their respective valuations, and a contract has been entered into which will when completed add three more seawall lots with a valuation of about \$700,000. The total property thus acquired will yield an income almost equal to the interest rate of the bond issue under which such work was done.

The income from the docks when completed under such bond issue, will repay the principal long before its maturity. The docks constructed are of the best and most durable and convenient type. The pier and bulkhead wharves offer about five miles of berth space at the present time. The complete development of the water front from Taylor street to the San Mateo line would give a berth space of about forty miles, exclusive of space in Channel street, in Central or India Basin and Islais Creek. The state properties along the water front of San Francisco are wholly self-supporting, the expenses being borne by those who use the wharves, seawall lots, and other state property. The addition of seawall lots as the seawall is increased, and the construction of piers of a similar and durable character to those now being built, will ultimately permit the abolishment of dockage and tall charges; and when this is accomplished San Francisco will have the cheapest and best harbor in the world. The prospective rentals alone will be more than sufficient to pay all the expenses of administration, maintenance, and ordinary repairs. This is the goal for which we have been striving, and I urgently recommend a continuance of the policies of the present board to secure such results.

PRISONS AND REFORMATORIES.

During the past four years our prison conditions have continually improved. By the erection of new buildings now under way and practically completed the congestion existing will disappear. Order and discipline prevail in both prisons, and they are being most economically and carefully managed. The completion of the new buildings will allow a better separation of the prisoners, and will permit to a certain extent a classification and segregation of them.

The new cell building in San Quentin will give accommodation for about 800 prisoners, and will be one of the most modern buildings of this class.

The work at Folsom is going ahead rapidly, and ample and complete accommodations for all of the prisoners will soon be available for use.

PAROLE SYSTEM.

The parole system of this State is meeting with great success. It holds out a constant incentive to the prisoner to conform to the prison rules and regulations, in the hope of receiving his liberty and ultimate pardon.

In 1893 the Legislature of this State enacted a parole law empowering the Board of Prison Directors to grant paroles to prisoners who by their conduct had shown that they were worthy of being released on probation prior to the expiration of their terms.

Very little use was made of this law until 1907. Realizing at that time that it was impossible for the Governor of this State to give to pardons the attention they deserved without neglecting other matters demanding his attention, I suggested to the State Board of Prison Directors that they make a more liberal application of the parole law to worthy and deserving prisoners. As an additional incentive to the prisoner to make good, and to conduct himself as a worthy and upright man outside of the prison, I have granted pardons to those prisoners who had faithfully obeyed the parole laws and regulations for a period of time sufficient to satisfy me of their intention to become honorable and law-abiding citizens, the purpose being to enable every prisoner to earn his liberty by good conduct.

This plan of granting pardons to paroled prisoners has been remarkably successful, and I believe it would be a step backward to change it. I am informed that the prison records of this State show that during the existence of the parole law there is only one case recorded of the subsequent conviction of a man pardoned after parole. This rule results in more frequent pardons being granted by the Executive; but as the prisoner is already at liberty, and has acquired a standing among his fellow men, his transition from a convict to a free man involves no serious change in social conditions, and can only result in good.

During the past two years there have been on parole at times 627 prisoners. Paroled men according to our state records have earned during their time on parole \$642,822.34, and their savings have aggregated over \$150,000. When we realize also how few of the men on parole have violated the confidence reposed in them, and when we further consider that it costs our State about \$180 a year to confine and care for a prisoner, I think it must impress even the most skeptical with the virtues of our parole system. I may further add, that it has been estimated that had all of our paroled men been forced to live out their prison sentences the additional cost to the taxpayers of the State would have exceeded \$500,000.

This policy ought to be continued in fairness to those on parole who are now earnestly striving to become worthy men, so that the hope of ultimate reward may continue before them. An abandonment of the policy would be most discouraging, and would have a serious effect on prison discipline.

REFORM SCHOOLS.

Our reform schools are being very ably managed and are doing good in directing the minds of those confined therein away from crime and criminal conditions. These schools ought to be encouraged, and sufficient appropriations should be made for the purpose of giving ample accommodations and supplying those confined therein with the means of learning useful trades and acquiring an education. There should not be confined in these institutions, where there are so many young boys, boys of strong criminal tendencies. Some other provision should be made for them. I believe that it is also a mistake to have both girls and boys committed to the same reform school.

SCHOOL OF MANUAL ARTS.

The last legislature made an appropriation of \$10,000 for the establishment of a State Normal School of Manual Arts and Home Economics. This school has been located in Santa Barbara, and the entrance requirements are graduation from a normal school, two years' college work, or teaching experience. Twenty-four graduated last June, and all are now successfully holding positions. An ideal site has been found, as provided in the bill passed by the legislature, and I understand an appropriation of \$200,000 will be asked for buildings, equipment, and support. It seems to me that this appropriation is none too large, and that the greatest encouragement should be given to an institution of this kind. This is the first school of this class in the United States to provide a professional training in all branches of manual training for men and women.

The value of manual training in our schools can not be overestimated, and it follows that a school of this character, educating men and women to enable them to teach manual training in our public schools, is of the utmost importance to the welfare of this State.

It is the purpose of this institution to present many branches, such as domestic science, food, chemistry, domestic art, dressmaking, millinery, textiles, applied design, wood carving, pottery, metal work, tool leather, bench work, pattern making, turning, forging, plumbing, electric wiring, carpentering, printing, drafting, etc.

With the school open all the year, with a wise administration knowing the needs of the State and prepared by training and travel to meet them, this school will fulfill the hopes of those who believe that all education should be practical, and that the academic work of normal and university should be supplemented with the learning to meet real conditions.

UNIVERSITY OF CALIFORNIA.

The adoption of Senate Constitutional Amendment No. 1 has worked a change in the source of revenue for our State University. On account of increasing attendance and other demands the Legislature of 1909 increased the ad valorem tax to three cents, to be used for the support, maintenance, and permanent improvements of the University.

It was specifically provided that not less than 25 per cent of the amount thus raised should for a period of ten years be used to construct and equip permanent buildings. Under the authorization of this statute the Regents very properly adopted plans for such work, and are now proceeding to make the improvements contemplated.

The amount which would be raised each year by the three-cent tax levy would be about \$700,000, of which about \$175,000 could be used for permanent improvements. This money is now lost to the University, and it must depend upon direct appropriations for its support and for improvements. It is plainly the duty of the Legislature to provide for the maintenance of the present high standard of this institution, and for carrying out the plans of the Regents for its improvement. We must not take a step backward with our educational institutions, least of all with our University. Its magnificent progress, its splendid achievements along educational lines, its rapid increase in attendance, make imperative the demand that this magnificent institution shall be fostered and encouraged by wise legislation and upbuilt and enlarged by liberal appropriations.

ORPHANS, HALF ORPHANS, AND ABANDONED CHILDREN.

The care and training of the State's dependents has become, and is becoming, one of the expensive responsibilities of the people of the State. California, like New York, is more burdened with this class than are the other states, because of their relation to the nation as gateways for the admission of all classes of immigrants, and California in particular is much burdened on account of its original native population and its climatic prominence as a statewide health resort. Families come to this State to benefit their health, exhaust their means of support in an effort to regain their health, and leave their children for the State to care for. Lax divorce laws and insufficient parental responsibility is another cause of dependency. The juvenile court laws are doing much to correct this, however.

The result is, nevertheless, that California has now over 6,500 children drawing state aid in the forty-six exceptionally well conducted orphan asylums and through county boards of supervisors, which aid continues up to the age of fourteen years. Then comes a greater responsibility of the State—the training for the trials of life of all such children as may be left as public charges. At the most critical time of life for either boy or girl, those who have not been fortunate enough to find homes with desirable families through the agencies of the numerous admirable societies organized for that purpose in this State are left without training for life's battles.

The last Legislature, feeling its responsibility in this direction, very wisely appropriated money and established the California State Trades and Training School for this character of children, realizing that it is far better to save as good citizens the unfortunate children than it would be to reform them after they have become wayward or criminal.

This school will be devoted to the training of its inmates in the different pursuits of life as may seem best. Its principal aim will be largely along the lines of agriculture and kindred branches, making the school practically self supporting in so far as it is possible by the cultivation of the soil. Its industrial branches will also be devoted to the training of the young minds and hands in those branches that will produce the best results.

The commission appointed under the law to select a site for the school have done so, conditionally upon the title being approved by the Attorney General.

The site consists of about 3,500 acres, in Knight's Valley, Sonoma County, and the surroundings are considered the most beautiful and picturesque in northern California. A pure mountain stream of water pours from the side of Mount St. Helena capable of furnishing ample power for factory purposes, lighting power, domestic uses, and for irrigation of the fertile valley lands of the tract. Ample standing timber, stone quarries, and grazing lands make the site ideal for the purpose. In this pure air and perfect climate, California, with proper instructions, can save her dependent children, and produce men and women grown under proper environment that will add materially to her rapidly increasing wealth in good citizenship.

There are now in the institutions in the State about 700 children who will be fourteen years old, eligible to admission to this school during the next year—about 275 girls and 425 boys; some may find homes, but the greater portion must be provided with education and training by the State.

There will be some future need in the way of further appropriations to equip the training school for efficient service, and I recommend a liberal appropriation therefor.

FISH HATCHERIES

It is very important that there should be an abundance of fish in the streams of this State to furnish a cheap food supply for the people. Salmon and striped bass are our two best food fishes and there is no reason why the waters of this State should not be abundantly stocked with them. This can only be done by protecting their spawning grounds and by erecting fish hatcheries.

The fish hatchery at Sisson has been an unqualified success, and similar hatcheries should be erected at various points in this State for the purpose of furnishing this food supply.

One of the most important natural spawning grounds for striped bass is Cache Slough and its tributaries, which empties into the Sacramento River near Rio Vista. Bass going up these streams in large numbers are followed by the fishermen and are caught before they can spawn.

By an adequate and proper protection of this spawning ground, San Francisco Bay and the streams flowing into it will in a few years be thoroughly stocked with this splendid fish, reducing the price to the consumer much below that which now prevails. In addition to the protection of this slough as a natural spawning ground there should be established at some point thereon one of the largest hatcheries in this country, for the purpose of propagating salmon and striped bass. Thousands of small fish hatched at the head waters of our streams never reach tide water, but if hatched in a stream near the ocean they could gain it in safety.

A law should be passed making it unlawful to cast or set a seine or net in this slough or any of its tributaries. If this is done most excellent results will follow, our fish supply will be vastly increased, and its price to the consumer will be greatly reduced.

DEPARTMENT OF ENGINEERING.

Owing to the very severe illness of the State Engineer, the report of the Department of Engineering is not available, and perhaps may be delayed for some further time. An immense amount of work has been done under its supervision and control. With the commencement of the state highway system this department must assume greater burdens and responsibilities. The Act creating this department, with the amendments for 1909, should, and I believe does, contain adequate provisions for the assumption of this most important work without material amendment. All contracts must be approved by the board, of which the Governor is the presiding officer, and he is in close touch with its work. It may be advisable at times for the department

to establish certain rules for its guidance, but practically all the necessary basic principles can be found within the Act itself to permit this department to work for the best interest of the State.

STATE FARM.

Under provisions and appropriations of the legislatures of 1905 and 1907 a farm of nearly 800 acres was purchased, and a start was made towards its equipment as an agricultural college farm. Buildings were erected and equipped; lighting, sewer, and water systems were installed; live stock was purchased and crops planted; in short, all necessary preparations were made for the beginning of instruction as provided in the legislative act.

The first instruction given on the farm was a series of short courses in the fall of 1908. Regular courses from one to eight weeks in length were organized in all branches of agriculture practiced in this State, with an attendance of more than 100 students.

In January, 1909, elective courses were first offered to students of the college of agriculture. Five students attended during the spring of 1909, in 1910 there were nine, and during the coming term nearly thirty are expected.

The (University Farm School) was also opened in January, 1909. During the first term of its existence twenty-three students were in attendance; the next year there were forty-three, and during the first term of the present year there was a registration of seventy-seven.

Generous provision was made by the Legislature of 1909 for increase of equipment, and for maintenance of instruction on the farm. The increase in the number of students, however, has outrun all provision which has been made. In order to carry on the work of the farm and school in accordance with the high practical standard which has been set, and which was intended by the legislature, more buildings are needed, with a corresponding increase in the number of instructors and in maintenance funds. The location of the farm near a small village makes it impossible for students to find living accommodations outside the farm, and dormitories must be provided. The present dormitory was filled to capacity several weeks before the opening of school last fall—and some of the students have been living in tents.

It is evident to one familiar with the facts that the aims of the farm school are meeting with wide approval throughout the State. There is a demand for the kind of instruction which is given at the farm. In a comparatively short time the school will have hundreds of students. The efficiency of its work will always be hampered if buildings are overcrowded, equipment inadequate, and instructors overworked. The highest interest of the State requires that its citizens shall be educated and prosperous, and the liberal encouragement of all means looking toward this end is one of the most essential aims of government. The greatest educational opportunity of the present lies in the development of such institutions as this which is growing upon the University Farm.

IMPROVEMENT OF MONTEREY HARBOR.

The Joint Committee on Harbors appointed by the Legislature in 1907 called attention to the necessity of a Federal appropriation for Monterey Bay. Such an appropriation now seems probable. It is made a condition of such Federal act that the sum of \$200,000 shall be raised from other sources. The construction of a seawall providing a safe anchorage for ships in this harbor is a matter of the utmost importance, and should strongly commend itself to your consideration. As the National Government does not feel disposed to make the entire appropriation, the balance, or a considerable portion thereof, should be supplied by the State of California.

STATE BOARD OF AGRICULTURE.

During this administration the State Board of Agriculture had a bill passed in the Legislature removing the old agricultural pavilion from the Capitol grounds, it being the purpose of the State Board of Agriculture to park and beautify a large tract of land immediately adjoining the city limits of the State capital, whereupon annual fairs and exhibits could be held, with abundance of room for suitable buildings.

Following this, other laws have been enacted and appropriations have been granted for the erection of a few of the most important buildings necessary for exhibition purposes. Some of these buildings are only partially built and others are very necessary if this State intends to hold annual fairs of the same high standard adopted by many of our Eastern States, and thereby stimulate, protect, and foster production along the lines of agriculture, horticulture, mining, manufacturing, and kindred industries.

The wonderful success of the last State Fair is largely due to the pluck and energy of the citizens and merchants of Sacramento, and the State is greatly indebted to the committee in charge, acting in conjunction with the Directors of the State Board of Agriculture, for one of the best—in fact, by long odds generally conceded the very best fair—the State has ever held. It is not to be expected however, that the State should continue to look to the citizens of any one city to

continue to appropriate money for State purposes, and I therefore hope and trust that this Legislature will give this subject the consideration due it when it is presented by and through the Directors of the State Board of Agriculture.

STATE LIBRARY AND COURT BUILDING.

Not only has the work increased in all the State offices, but likewise there is hardly an officer, department, board, or commission that is not in need of additional room; the Controller and other officials have no private offices in which to conduct the important affairs of State. Many needed additions have been made by the State Capitol Commissioners during this administration, but the State has outgrown its Capitol building, and it is not large enough to house its courts and its State Library, together with its various other departments centered therein.

I call your attention to the report of our State Librarian, and respectfully suggest that this Legislature take some action towards an investigation of conditions with a view of erecting an appropriate building in the Capitol grounds in which to house the Supreme Court, Appellate Court, and State Library. The latter alone takes up a very large space in the basement, half of the top floor, and a great portion of the first, second, and third floors. Besides taking the space that is now occupying very necessary to the proper conduct of the State's business under the various officials, the inconvenience for those using the library is very marked. More important than this is the unnecessary expense entailed in the management of the library brought about by the existing conditions.

EXECUTIVE OFFICE.

Some of the departments, in their biennial reports, call attention to the increase in the amount of work performed. In many instances, judging from the work in my own office, this is undoubtedly true, and legislation should be enacted allowing additional help. As this matter will be brought to your attention in various other ways, I will make no specific recommendation. The executive and clerical work in this office for the last year and a half about equals that of the first two years and a half. During my term the records show we have written over 70,000 letters, many of them requiring considerable research in this as well as other offices of the State government, especially those letters received from foreign countries and sister States.

This office has honored 353 requisitions and issued warrants of rendition for return of criminals to other States. Many of these required hearings which consumed much of the time of the executive. It has granted 274 applications for requisitions by district attorneys of this State on other States and countries for return of criminals to this State. It has issued 4 proclamations offering rewards, 58 holiday and other proclamations; signed 1,308 land patents, issued 6,518 commissions to notaries public, and made 1,214 executive appointments.

During the last session of the Legislature a bill was introduced requiring that a person for whom an application for extradition is granted, must be returned and convicted, otherwise the State was not to be compelled to pay the expenses of the agent appointed. This bill passed the Senate, but was defeated in the Assembly. At almost every session of the Legislature a deficiency claim is granted for the payment of expenses in connection with extradition of criminals. Many district attorneys of the various counties use proper discretion in making applications for extradition, but I am sorry to say a large number do not. If the counties making application for extradition had to bear this expense I feel certain fewer applications would be asked for. I respectfully submit to the Legislature that some action along this line should be taken granting the Executive more power, or the law changed so that the State would not be taxed unnecessarily, especially where conviction is not obtained or the party for whom extradition is asked is not returned.

My relations with both branches of the Legislature have always been most pleasant. Constituted of able, upright men, striving at all times to attain the right, their services have been distinguished by progressive and creative legislation to the great good of the State, and they have helped to make my administration whatever of success it has been.

In conclusion, I desire to express my thanks and appreciation to the officers and employees of the different departments and institutions of the State who have so ably and loyally assisted me in my administration. To their efforts I feel deeply grateful.

J. N. GILLETT, Governor."

APPENDIX.

LIST OF REPRIEVES, COMMUTATIONS, AND PARDONS.

The number of applications for executive clemency has been very large, and in the consideration of same I have endeavored to be extremely careful that none but those who in justice, humanity, and law should receive clemency. I have been greatly assisted in arriving at satisfactory results by the exercise of the parole system, to which I have referred in the body of this message.

Following is a list of cases in which clemency has been granted during the last two years and since my last biennial message:

REPRIVES.

APRIL 15, 1908. J. W. FINLEY, convicted in the Superior Court of the county of Sacramento in December, 1906, of the crime of assault with a deadly weapon with malice aforethought, defendant then being a prisoner undergoing a life sentence in the State Prison. As punishment therefor, Finley was sentenced to be executed at the State Prison at Folsom, the 2d day of March, 1906. Finley thereafter appealed his case to the Supreme Court of the State, which appeal was denied. The Superior Court of Sacramento County thereafter ordered that Finley be executed on the 17th day of April, 1908. By reason of my absence from the State I had no opportunity to examine the matters submitted to this office upon his application for clemency. I therefore reprieved him until the 15th day of May, 1908. Subsequent reprieves were made on May 14th, May 27th, June 10th, and August 12th to enable Finley to apply for a writ of error to appeal to the Supreme Court of the United States.

DECEMBER 9, 1908. FRANCISCO QUIJADA, convicted in the month of December, 1905, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of the commission of said assault a life prisoner in the State Prison, and sentenced to be hanged. Quijada was convicted under the provisions of Section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the *People vs. J. W. Finley*, on appeal to the Supreme Court of the United States, I ordered a reprieve until the 12th day of February, 1909, so that he might not be executed until the constitutionality of such section was determined. For the reason that the matter of appeal of J. W. Finley was still pending before the Supreme Court of the United States, I again on February 8, 1909, reprieved said Francisco Quijada until the 9th day of April, 1909. Subsequent reprieves were made on the 7th day of April to July 9, 1909, and on the 3d of July to October 8, 1909, and on September 27th to February 11, 1910, and on January 29, 1910, to May 13, 1910, and on April 26, 1910, to October 7, 1910, and on September 26, 1910, to April 7, 1911.

MAY 25, 1909. CHARLES CARSON, convicted in January, 1906, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of commission of said assault a life prisoner in the State Prison and sentenced to be hanged. Said Charles Carson was convicted under the provisions of section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the *People vs. J. W. Finley*, on appeal to the Supreme Court of the United States, therefore I ordered a reprieve until October 1, 1909, so that he might not be executed until the constitutionality of such section was determined. Subsequent reprieves were granted on September 18, 1909, to February 4, 1910, and on January 26, 1910, to May 6, 1910, and on the 26th day of April, 1910, to October 7, 1910, and on September 26, 1910, to April 7, 1911.

AUGUST 2, 1909. W. B. BRADBURY, convicted in 1904 in the Superior Court of the county of Marin and sentenced to imprisonment for one year in the State Prison at San Quentin. Said Bradbury appealed from said judgment to the Appellate Court, and on September 24, 1908, said judgment was reversed and prisoner remanded for new trial. In November, 1908, the District Attorney of Marin County carried the appeal to the State Supreme Court, and in June, 1909, the Supreme Court reversed the ruling of the Appellate Court and affirmed the judgment of the Marin County Superior Court. I having been requested to pardon said W. B. Bradbury, and not having at the time had an opportunity to examine into the merits of the case, reprieved the said Bradbury until September 2, 1909, unless otherwise ordered.

SEPTEMBER 8, 1910. LOUIS AUGUSTINE, convicted in Lake County of the crime of murder in the first degree and sentenced to be hanged at the State Prison at San Quentin on Friday, the 16th day of September, 1910. An application for commutation of sentence having been filed in this office, and that I might review the transcript of testimony in this case, I caused a reprieve of the judgment and sentence of the said Louis Augustine to and until Friday, the 18th of November, 1910. Subsequent reprieve was granted said Louis Augustine for the reason that there had not yet been filed in this office a transcript of testimony taken at the trial, which was necessary for me to have before I could pass upon the application for commutation of sentence. Said subsequent reprieve was made November 4, 1910, to December 16, 1910, and by Acting Governor Porter on December 12 to January 20, 1911.

NOVEMBER 30, 1910. WILLIE LUIS, convicted in San Luis Obispo County of the crime of murder in the first degree, was sentenced to be hanged in the State Prison at San Quentin on Friday, December 1, 1910. It appeared that this is a matter which should be given close attention and consideration, and as I had not yet had an opportunity to examine into the facts of the case, I therefore issued a reprieve of judgment and sentence to Friday, February 3, 1911.

COMMUTATIONS.

FEBRUARY 11, 1909. ED SILVER, convicted in December, 1907, of the crime of murder in the first degree in the county of San Bernardino and sentenced to be hanged on the 19th day of February, 1909. I have made careful investigation of all the facts

surrounding the commission of the offense for which he was adjudged to be guilty, and have carefully investigated the conduct of said prisoner since that time, and have weighed most carefully the recommendations of those asking clemency for said Ed Silver. In view of the opinion signed by the following members of the Supreme Court: Lucien Shaw, J., W. H. Beatty, C.J., Henry A. Melvin, J., F. W. Henshaw, J., F. M. Angellotti, J., W. G. Lorigan, J., dated San Francisco, Cal., December 19, 1908, and the statement by them that there was serious doubt in their minds as to the justice of the decision that the crime was accompanied by no mitigating circumstances sufficient to have reduced the punishment to imprisonment for life, I therefore commuted the death sentence of said Ed Silver to imprisonment for life in the State Prison at San Quentin.

MARCH 19, 1909. FRANK S. WILSON, in June, 1902, was convicted in the county of San Joaquin of the crime of robbery and sentenced to the State Prison at Folsom for the term of his natural life. The State Board of Prison Directors, under resolution adopted July 18, 1908, have recommended that sentence of said Wilson be commuted. A majority of the members of the Supreme Court of the State on the 8th day of October, 1908, recommended that executive clemency be extended to the said Frank S. Wilson by commutation from that of life imprisonment to a term of not less than ten years. It appears that the said Wilson has been an exemplary prisoner during the full term of his imprisonment, and that in the opinion of the State Prison Board he will ever after remain a good and law abiding citizen. In view of these recommendations and such other recommendations as are on file with such application, the sentence of said Frank S. Wilson was commuted, said commutation to take effect immediately, provided that if the said Frank S. Wilson shall hereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

JUNE 14, 1909. JOHN W. LAKE, convicted in the county of Alameda in June, 1908, of the crime of passing a fictitious check, and sentenced to two years in the State Prison at San Quentin. It appeared that said lake is a very old man, in bad health, and not expected to live through an operation necessary to save his life, that he has been confined in the prison hospital for six months past, and will remain there until discharged. The State Board of Prison Directors have recommended executive clemency. The sentence of said John W. Lake was commuted so that he could be released from prison at once.

JUNE 21, 1909. JOHN STEVENS, convicted in August, 1892, in the county of Calaveras, of the crime of burglary in the first degree, was sentenced for a term of twenty-seven years upon nine commitments of three years each, each sentence of three years to take effect on the termination of the preceding one. It appears that at the time sentence was pronounced on said Stevens it was and previously had been the custom, where a prisoner was imprisoned upon two or more terms running consecutively, the credits for good behavior were computed on the aggregate time of such terms; it further appears that said custom has been declared illegal by the Attorney General, and such credits for good behavior are now computed upon each sentence separately, thereby increasing in the case of said Stevens' actual term to serve four years and seven months. Judge Gottschalk, who sentenced said Stevens, has certified that it was his intention in imposing the sentence that Stevens would receive full credits based on the entire time to serve; in other words, he was to serve equal to a single term of twenty-seven years. Therefore by reason of the foregoing statement, and that the conduct of said John Stevens has been exemplary, and a majority of the Judges of the Supreme Court of the State have recommended the commutation of sentence, and by such other recommendations as are on file with such application, Acting Governor Porter commuted the sentence of John Stevens to take effect immediately, provided that if said John Stevens shall hereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

JULY 9, 1909. FRANK METZGER, convicted in April, 1903, in the county of Los Angeles of the crime of robbery, was sentenced to life imprisonment in the State Prison at San Quentin. There have been filed in this office affidavits which tend to show that the conviction of said Metzger was the result of a mistaken identity, and while I was not fully satisfied from such affidavits and proofs of the innocence of said Metzger, yet, in view of this uncertainty, I felt that his sentence should be commuted to such term as will permit him to be paroled within the near future, so that he may be able to show by his conduct outside the prison walls whether he is worthy of receiving a full pardon. It appears that said Frank Metzger's prison conduct has been exemplary, and he had conformed to all the prison rules. Therefore, in accordance with recommendations that are on file with such application, I commuted the sentence of said Frank Metzger to twenty years.

SEPTEMBER, 21, 1909. WILLIAM BUCKLEY, convicted in February, 1902, in San Francisco of the crime of murder in the first degree, was sentenced to be hanged. It appeared from statement submitted to me that the actual killing of Rice was committed by one "China Copeland" and not by said Buckley. Of the truth of this I am fully satisfied. But in view of the fact that Buckley was present at the time of the killing, his flight from the scene of the fatal affray, and other circumstances

connected therewith, I can not but feel that there may be some justification for the belief that Buckley was in some way culpable. My opinion is confirmed by a letter from Hon. F. M. Angellotti, Associate Justice of the Supreme Court of this State. I therefore commuted the sentence of the said William Buckley to fifteen years, which time would entitle him to immediate parole, to the end that his conduct may be determined outside of prison walls whether he is worthy of a full and complete pardon.

JANUARY 19, 1910. E. EDMINSTER, convicted in March, 1902, in San Francisco of the crime of burglary in the second degree, was sentenced to undergo an imprisonment of eighteen years in the State Prison at San Quentin upon seven commitments. Said Edminster had suffered a previous conviction of burglary in the second degree. The State Board of Prison Directors by resolution dated November 13, 1909, represented to the Supreme Court of this State that the conduct of the said E. Edminster had been good, that he had been a faithful workman, and that said Edminster was losing his sight; his left eye was sightless and the right eye seriously impaired and steadily failing, as evidenced by statement of oculist Wallace A. Franklin, the result of which examination was concurred in by Resident Physician W. J. Stone, whereon the majority of the Judges of the Supreme Court, F. M. Angellotti, F. W. Henshaw, W. G. Lorigan, M. C. Sloss, and Henry A. Melvin, joined in the recommendation that the application be granted. Therefore, in compliance therewith, the sentence of said E. Edminster was commuted to such time as would entitle him to release immediately upon signing the commutation. Provided that if the said E. Edminster shall hereafter be convicted of any felony this commutation shall be void, and, in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

FEBRUARY 15, 1910. J. H. RUSSELL, convicted in April, 1908, in the county of Alameda of the crime of passing a fictitious check, was sentenced to five years in the State Prison at San Quentin. It appears that said Russell had already served two and a half years in the county jail pending his appeal to the appellate court. It also appears from the certificate of the Justices of the District Court of Appeal of the First District of this State that such appeal was a meritorious one, and the questions involved were such as to justify the defendant in anticipating a reversal of the judgment appealed from. The commutation of sentence was requested by the Justices of the District Court of Appeal and by Associate Justice of the Supreme Court Hon. F. M. Angellotti, who wrote the opinion of the Supreme Court affirming said judgment, and by Hon. Henry A. Melvin, who presided at the trial in the Superior Court, and by the jurors who sat in judgment upon the trial of said case, and by Frank Barnett, Sheriff of Alameda County, who certified that he was an exemplary prisoner when in the county jail, and had rendered valuable assistance to the authorities at the time of an attempted outbreak in said county jail. Therefore with the recommendations on file with such application I commuted the sentence of said J. H. Russell to one year.

MARCH 22, 1910. EDWARD CONNELLY, convicted in August, 1892, in the county of Calaveras of the crime of burglary in the first and second degrees, was sentenced to thirty-nine years in the State Prison at San Quentin upon twelve commitments, to serve a series of consecutive terms as follows, to wit: One for six and eleven for three years each. The said Edward Connelly was previously convicted of burglary in the second degree. It appeared that said Connelly has been a patient in the prison hospital for eleven years past, and that there is a hardening of the posterior column of his spinal cord, and he has practically no use of his body from the waist down, and that this condition is a progressive one, and one for which there is no cure, and will continue to grow worse until he is confined to his bed. This statement is substantiated by the Resident Physician. The State Board of Prison Directors, by resolution dated February 12, 1910, recommended to the Supreme Court of the State and to the Chief Executive that the sentence of the said Edward Connelly be commuted to twenty-nine years. It appeared that the statements of the State Prison Board are true and correct and that said Connelly has at all times conducted himself in strict conformity with the prison rules, and a majority of the State Supreme Court, viz., W. H. Beatty, Chief Justice, W. G. Lorigan, Justice, Henry A. Melvin, Justice, Lucien Shaw, Justice, and F. M. Angellotti, Justice, have recommended commutation be granted. Commutation of sentence to twenty-nine years was issued to said Edward Connelly, provided that if the said Edward Connelly shall thereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

MAY 25, 1910. CORNELIUS J. CROWLEY, convicted in January, 1904, in the county of Riverside of the crime of murder, and sentenced to life imprisonment at the State Prison at San Quentin. It appears from statement of W. J. Stone, M.D., resident physician of the prison that said Crowley was suffering from pulmonary tuberculosis and that he could survive but a few days. John E. Hoyle, Warden of San Quentin Prison, recommended that it would be advisable to commute this sentence so as to entitle him to release at once. It further appeared that the conduct of said Crowley has been such as to entitle him to the favorable consideration of the prison

officials. Therefore, by reason of the foregoing representations and recommendations, Acting Governor Porter commuted the sentence of the said Cornelius J. Crowley so that he would be entitled to immediate release.

JUNE 17, 1910. ARTHUR VALIN, convicted in November, 1905, in the county of San Bernardino of the crime of robbery, was sentenced to a term of eighteen years in the State Prison at Folsom. It appeared that said Arthur Valin at the time of the commission of the offense was of the age of twenty years, and was at the time under the influence of liquor and in a measure not responsible for his criminal act. It also appeared to me that the term of eighteen years was an excessive sentence in view of all the circumstances of the case, his age, his first offense, that upon the trial of Valin there was a disagreement of the jury, and it required a second trial before conviction could be secured. I therefore commuted the sentence of the said Arthur Valin to the term of ten years, provided that if said Arthur Valin thereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

AUGUST 8, 1910. JOHN McEVOY, convicted in June, 1908, in the county of Imperial of the crime against nature, and sentenced to a term of ten years in the State Prison at San Quentin. It appeared the offense was committed at a time when McEvoy was under the influence of liquor and in a measure not responsible for his criminal acts; also it appeared to me that the term of ten years was an excessive one in view of all the circumstances in the case, and it being his first offense, I therefore caused the sentence of said John McEvoy to be commuted to a term of five years.

AUGUST 23, 1910. FABRONIO MACHUCA, convicted in December, 1908, in Los Angeles of the crime of murder in the first degree, was sentenced to be hanged. In a letter from Hon. M. C. Sloss, Associate Justice of the Supreme Court of the State of California, he stated that upon review of the evidence in this case there was left in his mind a grave doubt whether under all the facts the extreme penalty of the law should, in justice, have been imposed upon the accused, and recommended that executive clemency be exercised to said Machuca with a view that the ends of justice would be served by a commutation of sentence. This opinion and recommendation was concurred in by all of the members of the Supreme Court, and signed by W. H. Beatty, Chief Justice, F. M. Angellotti, Henry A. Melvin, W. G. Loring, F. W. Henshaw, and Lucien Shaw, Associate Justices. Upon careful examination of the record I concurred in the opinion of the Supreme Court, and in accordance with the recommendations that are on file with such application, commuted the sentence of said Fabronio Machuca to life imprisonment.

DECEMBER 17, 1910. WILLIAM D. WRIGHT, convicted in October, 1906, in the county of Santa Clara of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. It appeared that the Board of State Prison Directors received a letter from Hon. J. R. Welch, the judge who sentenced said William D. Wright, in which he said, in part: "I am writing this letter to recommend a commutation of sentence to a term of years. I do not regard Wright in the category of hardened criminals. He committed his crime under great excitement brought on by domestic infelicity. He was not himself; yet this does not excuse him for the deed committed. He must be punished. The question remains, how much shall he be punished, and what is best for the individual and for society? He did not try to evade punishment. He wished to plead guilty. To receive the plea meant the imposing of the death sentence. I did not care to take the responsibility; a jury trial was ordered. He was found guilty as charged, and the jury fixed the punishment at life imprisonment. Because of the circumstances of the crime and because of the character of the man, I have reached the conviction, unaided by the suggestion of any one, that society will not suffer, and the individual will be made better and of some use to himself and his fellow men by commutation of sentence." It appears that said William D. Wright has an excellent prison record. For the foregoing reasons, and in accordance with the recommendations on file with such application, Acting Governor Porter commuted the sentence of the said William D. Wright to twenty years, provided that if the said William D. Wright shall hereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony, he shall serve the remainder of the sentence cut short by this order.

DECEMBER 17, 1910. ARCHIE P. STANSELL, convicted in December, 1907, in the county of Fresno, was sentenced to a term of fifty years in the State Prison at San Quentin. It appears that the State Board of Prison Directors, by resolution adopted December 10, 1910, concurred in the recommendation of the Judge who imposed the sentence on the said Stansell, that his sentence be commuted to a term of ten years, which will permit of his being paroled at once, and recommend that the Governor do commute the said sentence to a term of ten years. Acting Governor Porter commuted the sentence of the said Archie P. Stansell to a term of ten years, provided that if the said Archie P. Stansell shall hereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

DECEMBER 17, 1910. HARRY FINNERTY, convicted in January, 1908, in the county of Fresno of the crime of robbery, was sentenced to a term of fifty years in the State Prison at San Quentin. It appeared from a resolution adopted by the State Board

of Prison Directors dated December 10, 1910, that said Harry Finnerty has received the recommendation of the Judge who imposed the sentence and the District Attorney who prosecuted the case for commutation of sentence to such term as will permit him to be paroled at once. The Board of State Prison Directors concurred with the said Judge and District Attorney and recommended that the sentence of said Harry Finnerty be commuted to a term of ten years. Therefore, in accordance with the recommendations of the Board of Prison Directors and such other recommendations as are on file with such application, Acting Governor Porter commuted the sentence of said Harry Finnerty to ten years.

DECEMBER 17, 1910. THOMAS MORAN, convicted in April, 1902, in the county of San Francisco of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. It appeared from affidavits and statements submitted to this office in the Buckley case, that the actual killing of Rice was committed by one "China Copeland." It also appeared that the claim in the Moran case at its inception was that Moran wielded the club which felled Rice to the ground, immediately before the killing, and that Moran rode out with Buckley on the front left hand open portion of the car. The witness Piatt testified positively that Moran and Buckley got off the car together; that Moran used the club on Rice, and that Buckley fired the fatal shots. It further appeared from affidavits and statements submitted to this office in the Buckley case that witnesses Walter J. Piatt, Erlene Piatt, and Arthur Cleve were mistaken in their identification of Buckley, and it appeared that, stripped of this element, the only evidence against Moran is that he went to the scene of the shooting, and that when he found that there was a likelihood of getting into trouble he first denied that he had been to the scene of the shooting, and afterward admitted it. Therefore, in accordance with the foregoing statements and in accordance with the recommendations that are on file with such application, Acting Governor Porter commuted the sentence of the said Thomas Moran to a term of fifteen years.

PARDONS.

RECOMMENDED BY STATE BOARD OF PRISON DIRECTORS.

During the first year of my administration I adopted the policy of granting pardons to paroled prisoners upon full and satisfactory proof that such prisoners had conducted themselves in entire conformity with all parole requirements, and had shown by their conduct that they had become sober, industrious, and upright men. This was established in each case by the reports made to the State Board of Prison Directors by the parole officer and others familiar with the conduct and habits of life of the paroled prisoner. Upon the recommendation of the State Board of Prison Directors this office granted pardons to the following deserving prisoners:

JANUARY 29, 1909. JAMES MELLARKY, convicted in Nevada County, September, 1888, of the crime of murder in the first degree and sentenced to undergo an imprisonment for the term of his natural life in the State Prison at San Quentin. On March 18, 1906, Mellarky was released on parole.

MARCH 17, 1909. DANIEL J. O'SHEA, in April, 1898, was convicted in San Francisco of the crime of murder in the second degree, and sentenced to a term of twenty-one years in the State Prison at San Quentin. Said Daniel J. O'Shea was released upon parole in April, 1907.

MAY 4, 1909. CHARLES C. COLE was convicted in the city and county of San Francisco in the month of January, 1902, of the crime of grand larceny and was sentenced to a term of eight years in the State Prison at San Quentin. In December, 1906, said Cole was released on parole.

MAY 10, 1909. AUGUST KOENIG was convicted in the county of Fresno in the month of July, 1890, of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. August Koenig was paroled in February, 1907.

MAY 10, 1909. FRANK H. LARRABEE was convicted of the crime of murder in San Francisco in February, 1895, and sentenced to life imprisonment in the State Prison at San Quentin. In March, 1905, said Larrabee was released on parole.

MAY 10, 1909. CLEMENT GARCIA in February, 1886, was convicted in San Francisco of the crime of murder and sentenced to life imprisonment in the State Prison at San Quentin. Said Garcia was released on parole in February, 1907.

JUNE 3, 1909. E. B. PURRIER, convicted in the county of Shasta in October, 1901, of the crime of robbery and sentenced to fifteen years in the State Prison at San Quentin. Paroled December, 1906.

JUNE 14, 1909. ISOM FROST, convicted in January, 1886, in the county of Mendocino of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. In 1904 said Isom Frost was released on parole.

JUNE 21, 1909. W. E. MITCHELL, convicted in October, 1899, in the county of Tuolumne of the crime of murder in the second degree, was sentenced to seven years in the State Prison at San Quentin. In December, 1906, he was paroled. A pardon was granted by Acting Governor Porter.

JUNE 6, 1909. JOHN PARRELL, convicted in the month of November, 1888, in the county of Tuolumne of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In 1905 the said Parrell was released on parole.

JULY 29, 1909. INDIAN PIKE, convicted in August, 1882, in the county of Shasta of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Paroled in July, 1906.

JULY 30, 1909. F. M. CONKLING was convicted in August, 1896, in the county of San Benito of the crime of murder, and sentenced to life imprisonment in the State Prison at San Quentin. Was released on parole December, 1906.

SEPTEMBER 25, 1909. WILLIAM DOLAN, convicted February, 1887, in San Francisco of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said William Dolan was released on parole in September, 1907.

SEPTEMBER 25, 1909. WONG (LUNG) TOY, convicted in June, 1895, in the county of Placer of the crime of robbery, was sentenced to a term of twenty-six years in the State Prison at San Quentin. In April, 1905, said Wong (Lung) Toy was released on parole.

OCTOBER 22, 1909. RAPHAEL A. TORRAS, convicted in February, 1903, in San Francisco of the crime of rape, was sentenced to a term of twelve years in the State Prison at Folsom. Said Torras was released on parole in the year 1907.

OCTOBER 27, 1909. AUGUST FOURGOUX, convicted in November, 1891, in the county of Sacramento of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. Said August Fourgoux was released on parole in the year 1907.

DECEMBER 15, 1909. FREDERICK H. RADER, convicted in September, 1901, in the county of Mariposa of the crime of murder in the second degree, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In July, 1907, said Rader was released on parole.

DECEMBER 15, 1909. GEORGE C. WILLIAMS, convicted in October, 1897, in the county of San Joaquin of the crime of attempted train wrecking, was sentenced to life imprisonment in the State Prison at Folsom. In October, 1907, said George C. Williams was released on parole.

DECEMBER 15, 1909. CHRIST SCOPPIO, convicted in May, 1894, in the county of Solano of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said Scoppio was paroled in August, 1907.

DECEMBER 16, 1909. Y. CASTRO, convicted in October, 1897, in the county of Santa Clara of the crime of rape, was sentenced to thirty years in the State Prison at San Quentin. Said Castro was released on parole in December, 1906.

JANUARY 8, 1910. MICHAEL MURRAY, convicted in December, 1889, in the county of El Dorado of the crime of murder in the second degree, was sentenced to a term of forty years in the State Prison at Folsom. Said Michael Murray was in December, 1904, released on parole.

JANUARY 10, 1910. CLARENCE DEWITT, convicted in October, 1907, in the county of Los Angeles of the crime of rape, was sentenced to a term of five years in the State Prison at Folsom. Said DeWitt was paroled October, 1908.

JANUARY 20, 1910. S. J. ROADS, convicted in October, 1891, in the county of Mendocino of the crime of murder and sentenced to life imprisonment in the State Prison at San Quentin. In March, 1905, said S. J. Roads was released on parole.

MARCH 7, 1910. HARRY HILL, convicted in January, 1902, in the county of Alameda of the crime of robbery and sentenced to a term of fifteen years in the State Prison at Folsom. Said Harry Hill was released on parole in March, 1908.

MARCH 16, 1910. ENRICO MORASCO, convicted in May, 1894, in the county of Solano, was sentenced to be executed. Said sentence was subsequently commuted to life imprisonment. Said Enrico Morasco was paroled in January, 1908.

MARCH 16, 1910. DENNIS MOORE, convicted October, 1894, in the county of San Francisco of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. Said Dennis Moore was released on parole October, 1907.

MARCH 16, 1910. HARRY MELVILLE, convicted in March, 1906, in the county of San Joaquin of the crime of forgery, was sentenced to a term of six years in the State Prison at Folsom. In June, 1908, said Harry Melville was released on parole.

MARCH 25, 1910. JOSE RAMON TAPIA, convicted in October, 1889, in the county of Kern of the crime of murder in the second degree, was sentenced to a term of fifty years in the State Prison at San Quentin. Said Tapia was in December, 1905, released on parole.

MARCH 25, 1910. ALVA JOHNSON, convicted in May, 1895, in the county of Los Angeles of the crime of train robbery, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said Alva Johnson was paroled.

MARCH 25, 1910. C. M. CREWS, convicted in November, 1892, in the county of Sonoma of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said C. M. Crews was released on parole.

APRIL 12, 1910. JOE TOTMAN, convicted March, 1901, in the county of Fresno of the crime of rape, was sentenced to twenty years in the State Prison at San Quentin. Said Joe Totman was released on parole in October, 1907.

APRIL 12, 1910. GEE GUN, convicted in November, 1902, in the county of San Francisco of the crime of robbery, was sentenced to fourteen years in the State Prison at San Quentin. In June, 1907, said Gee Gun was released on parole.

APRIL 21, 1910. THOMAS BATEMAN, convicted in May, 1888, in the county of San Francisco of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. Said Thomas Bateman was released on parole September, 1907.

MAY 23, 1910. W. S. REX, convicted in March, 1898, in the county of Yuba of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said W. S. Rex was released on parole in March, 1908. Acting Governor Porter granted him a pardon.

MAY 23, 1910. CHARLEY LE ROY, convicted in April, 1898, in the county of Sacramento of the crime of robbery, was sentenced to imprisonment in the State Prison at San Quentin. In April, 1908, said Le Roy was released on parole. Acting Governor Porter granted him a pardon.

MAY 23, 1910. F. L. WOOD, convicted in November, 1883, in the county of Stanislaus, was sentenced to life imprisonment in the State Prison at Folsom. Said F. L. Wood was released in January, 1908, on parole. He was issued a pardon by Acting Governor Porter.

JUNE 2, 1910. WM. EATON (true name Eden), convicted in April, 1902, in the county of Alameda of the crime of rape, was sentenced to a term of forty-five years in the State Prison at Folsom. It appears that the sentence of said Wm. Eaton (true name Eden) was commuted by Governor Pardee to fifteen years. Said Eaton was paroled in March, 1908. Acting Governor Porter issued him a pardon.

JUNE 15, 1910. JACKSON DENNIS, convicted in March, 1909, in the county of Amador of the crime of embezzlement, was sentenced to a term of one and one-half years in the State Prison at San Quentin. Said Jackson Dennis was released on parole in April, 1910.

JUNE 20, 1910. JAMES M. GRIFFITH, convicted in November, 1908, in the county of Monterey of the crime of grand larceny, was sentenced to a term of three years in the State Prison at San Quentin. In March, 1910, said James M. Griffith was released on parole.

JUNE 29, 1910. E. J. EMMONS, convicted May, 1908, in the county of Sacramento of the crime of asking and receiving a bribe, was sentenced to a term of five years in the State Prison at San Quentin. In November, 1909, said E. J. Emmons was released on parole.

JULY 12, 1910. F. O. GOODMAN, convicted in July, 1904, in San Francisco of the crime of robbery and sentenced to a term of ten years in the State Prison at San Quentin. Said F. O. Goodman was released on parole in March, 1908.

JULY 27, 1910. LOUIS PEROSSE, convicted in September, 1888, in San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In July, 1908, said Louis Perosse was released on parole.

AUGUST 6, 1910. WILLIAM R. LANE, convicted in April, 1894, in the county of Yuba of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. Said William R. Lane was released on parole in August, 1906.

AUGUST 6, 1910. LOUIS J. SEARCEY, convicted in April, 1897, in the county of San Bernardino of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. In July, 1908, said Louis J. Searcey was released on parole.

AUGUST 15, 1910. THOMAS F. GRIMES, convicted in March, 1900, in the county of Placer of the crime of murder in the second degree, was sentenced to a term of twenty-four years in the State Prison at San Quentin. Said Thomas F. Grimes was released in July, 1908, on parole.

SEPTEMBER 22, 1910. JAMES BOND, convicted in March, 1901, in the county of San Francisco of a crime against nature, was sentenced to a term of twenty years in the State Prison at Folsom, and on June 30, 1906, was transferred to the State Prison at San Quentin. In September, 1908, said James Bond was released upon parole.

SEPTEMBER 22, 1910. WILLIAM LINEHAN, convicted in October, 1896, in San Francisco of the crime of robbery, was sentenced to a term of life imprisonment in the State Prison at San Quentin. Said William Linehan was released upon parole in August, 1908.

SEPTEMBER 22, 1910. WALTER T. BALDWIN, convicted in June, 1902, in the county of Alameda of the crime of robbery, was sentenced to a term of fifteen years in the State Prison at San Quentin. In September, 1908, said Walter T. Baldwin was released on parole.

NOVEMBER 26, 1910. NICKOLOUS KUNZLER, convicted in April, 1906, in the county of Los Angeles of the crime of arson of the second degree, was sentenced to a term of eight years in the State Prison at San Quentin. Said Nickolous Kunzler was released on parole in October, 1908.

NOVEMBER 26, 1910. FRANK NEWMAN, convicted in January, 1902, in Santa Clara of the crime of robbery, was sentenced to a term of twenty-five years in the State Prison at Folsom. Said Frank Newman was released on parole in July, 1908.

NOVEMBER 26, 1910. W. M. PECK, convicted in September, 1908, in the county of Orange of the crime of passing a fictitious check, was sentenced to a term of three years in the State Prison at San Quentin. In December, 1909, said W. M. Peck was released on parole.

SEPTEMBER 26, 1910. JO TONG CHONG, convicted in March, 1885, in the county of Alameda of the crime of murder of the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In September, 1905, Jo Tong Chong was released on parole.

SEPTEMBER 26, 1910. SAMUEL MARS, convicted in September, 1890, in the county of Fresno of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. Said Samuel Mars was released on parole in June, 1908.

DECEMBER 1, 1910. JARRATT M. IRVING, convicted in November 1905, in the county of Siskiyou of the crime of murder of the second degree, was sentenced to a term of twenty-one years in the State Prison at San Quentin. In July, 1910, said Jarratt M. Irving was released on parole.

DECEMBER 17, 1910. K. TACHI, convicted in April, 1898, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In November, 1907, said K. Tachi was released on parole, and by Acting Governor Porter was pardoned.

DECEMBER 17, 1910. MICHAEL BRADY, convicted in September, 1885, of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. In May, 1908, said Michael Brady was released on parole. Acting Governor Porter granted him a pardon.

DECEMBER 17, 1910. E. J. SMITH, convicted in May, 1905, in the county of San Francisco of the crime of embezzlement, was sentenced to a term of ten years in the State Prison at Folsom. In May, 1910, said Smith was paroled. Acting Governor Porter granted him a pardon.

DECEMBER 17, 1910. E. M. FAURE, convicted in April, 1894, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In February, 1908, said Faure was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. THOMAS BOWMAN, convicted in January, 1890, in the county of Humboldt of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In January, 1908, said Bowman was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSE ANTONIO RODRIGUEZ, convicted in April, 1886, in the county of Santa Barbara of the crime of murder of the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In July, 1908, said Rodriguez was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. MARY E. BALKWELL, convicted in September, 1904, in the county of San Francisco of the crime of murder of the second degree, was sentenced to a term of ten years in the State Prison at San Quentin. In December, 1907, said Mary E. Balkwell was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. B. W. VAN HORN, convicted in January, 1898, in the county of Trinity of the crime of murder of the second degree, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In January, 1905, said B. W. Van Horn was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. E. L. PATTERSON was convicted in April, 1905, in the county of Los Angeles of the crime of robbery, and sentenced to a term of ten years in the State Prison at San Quentin. In October, 1908, said Patterson was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. FELISARA COBARUVIA, convicted in December, 1884, in the county of Placer of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. In July, 1905, said Cobaruvia was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. CHARLES H. TURNER, convicted in June, 1909, in the county of San Francisco of the crime of embezzlement, was sentenced to a term of three years in the State Prison at San Quentin. In September, 1910, said Charles H. Turner was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JAMES SEARIGHT, convicted in April, 1898, in the county of Sacramento of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. In January, 1909, said James Searight was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. WILLIAM HUBER, convicted in February, 1902, in the county of Sacramento of the crime of rape, was sentenced to life imprisonment in the State Prison at Folsom. In March, 1909, said William Huber was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSEPH WINDROW, convicted in June, 1898, in the county of San Francisco of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. In December, 1908, said Joseph Windrow was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. OTTO CHRISTIE, convicted in September, 1896, in the county of Tulare of the crime of robbery, was sentenced to a term of twelve years in the State Prison at San Quentin. In December, 1908, said Otto Christie was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. EDWARD RICHARDS, convicted in October, 1904, in the county of San Francisco of the crime of manslaughter, was sentenced to a term of ten years in the State Prison at Folsom. In December, 1908, said Edward Richards was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOHN J. MURPHY, convicted in May, 1889, in the county of Solano of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said John J. Murphy was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOHN GREENBANK, convicted in June, 1896, in the county of Alameda of the crime of robbery, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In October, 1908, said John Greenbank was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. CYRUS V. WOOD, convicted in July, 1904, in the county of Yolo of the crime of manslaughter, was sentenced to a term of ten years in the State Prison at Folsom. In November, 1908, said Cyrus V. Wood was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSEPH M. SMITH, convicted in September, 1907, in the county of Alameda of the crime of embezzlement, was sentenced to a term of five years in the State Prison at San Quentin. In October, 1909, said Joseph M. Smith was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. A. N. CAPPOLA, convicted in March, 1899, in the county of San Francisco of the crime of robbery, was sentenced to a term of twenty years in the State Prison at San Quentin. In February, 1908, said A. N. Cappola was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. FRED BRYANT, convicted in August, 1906, in the county of Calaveras of the crime of rape, was sentenced to a term of nine years in the State Prison at San Quentin. In July, 1908, said Fred Bryant was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. WESLEY M. WALDEN, convicted in October, 1907, in the county of Fresno of the crime of embezzlement, was sentenced to a term of seven years in the State Prison at San Quentin. In June, 1910, said Wesley M. Walden was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. THOMAS D. GARDENHIRE, convicted in October, 1903, in the county of San Joaquin of the crime of rape, was sentenced to a term of thirty-five years in the State Prison at Folsom. In December, 1908, said Thomas D. Gardenhire was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. CLAUDE R. HOWES, convicted in December, 1907, in the county of Los Angeles of the crime of passing a fictitious check, was sentenced to a term of five years in the State Prison at San Quentin. In February, 1909, said Claude R. Howes was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. GEORGE T. THOMAS, convicted in September, 1885, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In December, 1908, said George T. Thomas was released on parole. Pardon was granted by Acting Governor Porter.

PARDONS. *Continued.*

FEBRUARY 1, 1909. ASCENSION VELA was convicted in the county of Los Angeles of the crime of manslaughter, and was sentenced to a term of six years in the State Prison at Folsom. It appears from affidavits that the conviction of said Ascension Vela was procured through perjured testimony, and that true facts would show that such homicide was committed in self-defense, and that the verdict rendered against him was improper; and he should have been acquitted had not perjured testimony been given at the trial. For the foregoing reasons a pardon was issued to said Ascension Vela.

MAY 14, 1909. GERALD A. COURVOISIER, in December, 1907, was convicted in San Francisco of the crime of forgery and sentenced to six years in the State Prison at San Quentin. Upon the recommendation of a majority of the Judges of the Supreme Court of this State a pardon was granted the said Gerald A. Courvoisier.

JUNE 21, 1909. RALPH A. HUNTINGTON, convicted in July, 1908, in San Francisco of the crime of manslaughter, was sentenced to a term of four years in the State Prison at San Quentin. It appeared that said Huntington had been convicted and was confined at the State Prison under the care of the prison physician, having no other disease, and it appeared from report of the prison physician that said R. A. Huntington could live but a short time. Therefore, it appeared that no good purpose could be served by compelling the said R. A. Huntington to serve the balance of his term and that his death would be hastened by continued imprisonment. The Board of State Prison Directors, by resolution dated April 10, 1909, recommended that executive clemency be extended to said R. A. Huntington. For the foregoing reasons a pardon was issued by Acting Governor Porter.

JUNE 24, 1909. R. D. JACKSON, convicted in the month of January, 1907, in the county of Los Angeles of the crime of burglary in the first degree, was sentenced to ten years at San Quentin, and on said day and date the said Jackson was committed in the same court of the crime of burglary in the second degree and sentenced to five years at San Quentin. Said Jackson was paroled on September 1, 1908, and ever since has led an honorable and upright life. It appeared that said Jackson, just on the 27th day of July, 1909, he returned to the prison to serve his second sentence, and under the parole laws he could not receive his liberty upon parole for a period of one year thereafter. It appeared that his conduct had been highly commendable, and that he had given evidence of complete reformation. The honorable Board of Prison Directors and a majority of the Justices of the Supreme Court recommended that a pardon be granted to the said paroled prisoner. Acting Governor Porter granted a pardon to the said R. D. Jackson for the commission of the said crime of burglary in the second degree and ordered that he should not be compelled to undergo any imprisonment for the commission of the second crime.

MAY 26, 1910. W. F. CORD, convicted in June, 1908, in the county of Tulare of the crime of manslaughter and sentenced to a term of ten years in the State Prison at San Quentin. It appeared that the crime for which Cord was convicted was committed under great provocation, and that many facts connected therewith were not available at the trial for the defense of Cord, but have since come to light, and create serious doubt as to his guilt. It further appeared that said W. F. Cord had lived in Tulare County for twenty years prior to the commission of this offense, and had always been a quiet, sober, and industrious man, and had never had trouble before. It also appears that said Cord is the father of five minor motherless children who are dependent upon him for support. Petitions have been filed in this office by all the living jurors who sat on the trial, asking, in view of the circumstances which had come to their notice and knowledge since the trial, that said Cord be paroled. Petitions signed by hundreds of the most prominent citizens of Tulare County, testifying that Cord was a quiet, sober, industrious man and never in previous trouble, and asking for his pardon, have been presented. It appeared that Cord had already suffered almost two years' imprisonment. Under these circumstances Acting Governor Porter considered it right and proper to pardon the said W. F. Cord.

JUNE 27, 1910. A. J. FLOOD, convicted in January, 1910, in the county of Alameda of the crime of forgery, was sentenced to a term of one year in the State Prison at Folsom. It appears that the conduct of said Flood has uniformly been good, and that he faithfully discharged the duties assigned him during his imprisonment, and that at a meeting of the State Board of Prison Directors June 18, 1910, considering the conduct of the prisoner, by resolution recommended that the Governor do extend executive clemency to the said A. J. Flood. A pardon was therefore issued.

SEPTEMBER 2, 1910. C. M. REED, convicted in January, 1910, in the county of Contra Costa of the crime of burglary in the second degree, was sentenced to a term of five years in the State Prison at San Quentin. In a letter from the President of the State Board of Prison Directors, written by direction of said Board, relative to a report from Resident Physician W. J. Stone of San Quentin Prison to Warden J. E. Hoyle of the same prison, respecting the condition of health of said Reed, and a communication of Warden Hoyle transmitting said report, both communications being dated August 29, 1910, the Board adopted an order directing the president to communicate with the Governor, and to state that in the judgment of the Board the above

case was one where executive clemency might be properly exercised, to the end that the prisoner might end his life at home with his wife, adding that his wife claims to be capable of taking care of him during the very short time he has to live. A majority of the Justices of the Supreme Court joined in the following recommendation to the Governor: "In pursuance of the foregoing statement from the State Board of Prison Directors and solely upon the ground of humanity, we Justices of the Supreme Court of California hereby recommend the pardon of said C. W. Reed, September 1, 1910, W. H. Beatty, Chief Justice; F. M. Angellotti, Associate Justice; Lucien Shaw, Associate Justice; F. W. Henshaw, Associate Justice." A pardon was therefore issued to said C. M. Reed, to take effect immediately.

OCTOBER 6, 1910. MARY ANN DELEHANTY, convicted in July, 1909, in San Francisco of the crime of manslaughter and sentenced to a term of eighteen months in the State Prison at San Quentin. The judge before whom the prisoner was tried and convicted and the district attorney, who were familiar with all the circumstances in the case, have requested that a pardon be granted said Mary Ann Delehanty. In accordance with the recommendations on file with such application I caused a pardon to be issued to the said Mary Ann Delehanty, provided that if the said Mary Ann Delehanty shall hereafter be convicted of any misdemeanor this pardon shall become void and in addition to the sentence imposed for such misdemeanor she shall serve the remainder of the time cut short by this order.

DECEMBER 17, 1910. HERBERT THAYER THORNBURGH, convicted in July, 1910, in the county of Sacramento of the crime of obtaining money under false pretenses, was sentenced to a term of two years in the State Prison at San Quentin. It appeared that said Thornburgh was a duly licensed physician and surgeon employed by the Fer-Dun Medicine Company on a salary at the time of the commission of the alleged crime, and he was included as one of the defendants in the indictment returned to the Superior Court. All parties connected in the crime had been convicted, and the most guilty of the parties had received their freedom. It also appeared that said Thornburgh had aided the officers in securing the conviction of the Fer-Duns and it further appeared that said Dr. Thornburgh was in poor health, having contracted malarial fever while in the service of the United States as a contract doctor in the Philippines, and since his confinement he had been afflicted with severe attacks of heart trouble, and his confinement had undermined his health to the extent that further confinement would so impair it as to prevent his recovery. J. W. Hughes, Judge of the Superior Court, who tried and sentenced said Thornburgh, and E. S. Waelhorst, the District Attorney who prosecuted the case, have recommended executive clemency. For the foregoing reasons, and in accordance with the recommendations that are on file with such application, Acting Governor Porter pardoned the said Herbert Thayer Thornburgh.

DECEMBER 17, 1910. SEABIANO GONZALES, convicted in January, 1903, in the county of Los Angeles of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. It appeared from a statement filed in this office by Leonard Mordaunt, a celebrated philanthropist who has devoted much time to criminology and who has investigated this case, also from affidavits from several police officers of Los Angeles city, among them F. J. Tamantes, that said Gonzales was a Mexican and could not speak the English language, and did not understand any part of the proceedings at the time of the trial, and being friendless and penniless, counsel was appointed for him by the court, and it appeared from the said statement and affidavits that said Gonzales was neglected by his attorney, that there was at the time of the trial reasonable doubt as to the guilt of the defendant, and that certain testimony suggested by the said police officers was not brought out in the trial whereby said Gonzales might have been proven innocent of the crime of which he was convicted; and it further appeared that Gonzales had an excellent prison record. For the foregoing reasons, and in accordance with the recommendations on file with such application, Acting Governor Porter granted a pardon to the said Seabiano Gonzales.

DECEMBER 22, 1910. HARRY SPIRUE, convicted in May, 1905, in the county of San Francisco of the crime of attempt to commit arson, was sentenced to a term of twelve years in the State Prison at San Quentin. It appeared that said Harry Spire afterward perfected an appeal, and the bill of exceptions to be used on appeal was burned in the general conflagration of April, 1906, and that he had since been unable to have the records of his appeal restored for want of funds, and continued to be confined in the county jail upon the stay of proceedings granted in the superior court pending the appeal. It further appeared that during the time that said Harry Spire has been an inmate of the county jail he has won the sympathy and good grace of the sheriff and all the jail officials by his uniformly excellent and model conduct, as well as his valuable services to the county, and is a trusty at the jail and holds the highest position obtainable by an inmate of the jail, and it appeared that he had been actually in confinement for over six years, and that the grand jury through its foreman and secretary, the committee on county jail, the district attorney, and the sheriff did recommend and petition that a pardon be granted. Therefore, by reason of the record and in accordance with the recommendations on file in this case, Acting Governor Porter granted a pardon to the said Harry Spire.

DECEMBER 23, 1910. ALBERT J. WARD, convicted in February, 1910, in the county of Los Angeles of the crime of burglary in second degree, was sentenced to a term of

five years in the State Prison at San Quentin. It appeared that said Ward was serving a third term in the State Prison, that he had not served one calendar year of the term for which he was last sentenced, therefore could not be paroled. It further appeared that said Albert J. Ward was a patient in the Prison Hospital, that he was suffering from an incurable disease, and in the opinion of the Prison Physician and also of several other reputable physicians who have examined the patient that he has only a short time to live. The State Board of Prison Directors in a resolution dated December 10, 1910, recommended to this office and to the Honorable Justices of the Supreme Court that a pardon be granted to the said Albert J. Ward. A majority of the members of the Supreme Court of this State have in accordance with said recommendation recommended that a pardon be granted. In accordance with the recommendations on file with said application, Acting Governor Porter granted a pardon to the said Albert J. Ward.

POLICE COURT AND COUNTY JAIL

PARDONS (PETTY CRIMES)

JUNE 3, 1909. W. J. DALEY, convicted in the Police Court of Oakland in January, 1909, of the crime of petit larceny, and sentenced to six months in the city prison at Oakland. Said Daley has served more than four months of the sentence imposed by the court. Judge George Samuels of the Police Court who sentenced said Daley, W. J. Hennessey, the prosecuting attorney, and J. F. Lynch, Captain of the Police of Oakland, recommended clemency to be extended to said W. J. Daley, therefore a pardon was granted to take effect immediately.

NOVEMBER 3, 1909. CARL A. HOLMQUIST, convicted in the Police Court of Los Angeles Township in August, 1909, of the crime of vagrancy, was sentenced to six months' imprisonment in the city jail of Los Angeles. It appears that said Holmquist is an old man and has served three months of his sentence. J. D. Erickson, District Attorney of Los Angeles County, and the Mayor of Los Angeles City have recommended that executive clemency be exercised in this case, which recommendations were joined in by a number of citizens of Los Angeles in petition, therefore a pardon was issued for the said Carl A. Holmquist.

MARCH 22, 1910. W. H. FORD, convicted in the Police Court of Los Angeles City in February, 1910, of the crime of vagrancy, was sentenced to serve a term of 180 days in the city jail. It appeared that for many years past said Ford has suffered from erysipelas of the brain, and that by reason of said disease of the brain said W. H. Ford was at date of commission of the crime mentally incapacitated and incompetent, and was not responsible for the crime committed. It further appears that such facts were unknown to the Hon. H. H. Reese, Judge of said court, and that had said Judge been acquainted with said facts he would not have sentenced the defendant. It appeared that further confinement in prison would further unbalance said Ford's mind, and that it was for the best interest of said Ford that he be placed in a hospital, where proper treatment might be given, provision for such treatment had already been made. The petition for his pardon was signed by such men as Hon. Henry T. Gage, Edward H. Brady, M. H. Thier, and many others. I therefore issued a pardon to the said W. H. Ford.

MARCH 29, 1910. A. H. SOUTHWICK, convicted in the Police Court of the city of Oakland on three charges of battery, was sentenced to imprisonment in the city jail of Oakland for six months on each charge. It was represented that the city jail in which he was confined was in an unsanitary condition and that said Southwick was in poor health, and if confined in said jail for the remainder of his sentence that his sickness would result fatally. His pardon was recommended by the District Attorney of Alameda County, the Chief of Police of Oakland, and many others familiar with the circumstances of such offense and the condition of the said prisoner. It further appeared that said Southwick would be removed to and placed in a Soldiers' Home where he could receive such care as was necessary to restore him to health, therefore a pardon was issued to said A. H. Southwick.

MARCH 31, 1910. WILLIAM NASH, convicted in November, 1909, in the Police Court of the city of Oakland of the crime of vagrancy, was sentenced to imprisonment in the city jail at Oakland for six months. It appeared that said Nash suffered a stroke of paralysis on February 19, 1910, and had been ever since confined in bed on account of said paralytic stroke. It further appeared that said Nash had a mother and sister residing at Hot Springs, Arkansas, who would take said Nash to their home for the purpose of caring for him in his illness. Dr. W. A. Clark, superintendent of the Alameda County Hospital, represented to me that the chances of cure for said Nash would be materially improved by a sojourn at the Arkansas Hot Springs, where his friends wish to take him. His pardon was recommended by George Samuels, Judge of the Police Court, W. J. Hennessey, Prosecuting Attorney of the Police Court, A. Wilson, Chief of Police, and J. F. Lynch, Captain of Police. William Nash was therefore pardoned.

APRIL 2, 1910. ERNEST CICERO, convicted in the Police Court of the city of Oakland in February, 1910, of the crime of battery, was sentenced to pay a fine of twenty dollars and serve twenty days in the city prison. It appeared that said

Cicero has paid the fine of twenty dollars, and had served four days and was out on bail pending appeal. It further appeared from statement of the Police Judge that circumstances have arisen which show that the said Ernest Cicero had been sufficiently punished, and a doubt had been cast upon the truthfulness of the testimony given by one of the witnesses for the prosecution. It further appeared that the mother and sister of said Cicero are largely dependent upon him for support, and that no further good could be accomplished by compelling him to serve the balance of his sentence. A pardon was therefore granted said Ernest Cicero.

AUGUST 2, 1910. AUGUST FAURE, convicted in the Police Court of the city of Oakland of the crime of battery, was sentenced to six months in the city jail of Oakland. It appears that said Faure is seventy-two years of age and in declining health, and that he has already served three months of his sentence. The Superintendent of Police, together with a number of police officers who are familiar with the case, have joined in a petition that clemency be granted said August Faure. A pardon was therefore issued to him.

SEPTEMBER 3, 1910. MAY STEVENS, convicted in the Police Court of the city of Oakland of the crime of drunkenness, was sentenced to a term of four months in the city jail of Oakland. The Judge who sentenced the prisoner, the Prosecuting Attorney, the Superintendent of Police, and the Captain of Detectives of the city of Oakland, who are familiar with the circumstances in the case, have joined in a petition that clemency be granted to said May Stevens. It appears that the said May Stevens has served more than one half of the sentence imposed upon her. In accordance with the recommendations on file with such application, I pardoned the said May Stevens.

SEPTEMBER 4, 1910. JESUS QUIROS, convicted in the Police Court of the city of Los Angeles in August, 1910, of the crime of intoxication, was sentenced to a term of fifty days in the city jail of Los Angeles. The police magistrate who sentenced said Quiros, and who is familiar with all the circumstances in the case, has petitioned that clemency be granted. In accordance with the recommendations on file with such application, I caused a pardon to be issued to said Jesus Quiros.

NOVEMBER 3, 1910. EUGENE FRANKLIN, convicted in the Police Court of the city of Los Angeles in September, 1910, of the crime of carrying deadly weapons in a rude and threatening manner, was sentenced to a term of ninety days in the city jail of Los Angeles. The Judge before whom the prisoner was tried and convicted and the Prosecuting Attorney, who are familiar with all the circumstances in the case, have joined in a petition that clemency be granted said Franklin. It appeared that said Franklin had served more than one half of his sentence. In accordance with the recommendations on file with such application, a pardon was issued.

DECEMBER 23, 1910. WILLIAM LACEY, convicted December 16, 1910, of the crime of vagrancy, was sentenced to a term of 180 days in the city jail of Los Angeles. It appeared that for the past seven years said William Lacey has been under the constant care of a physician because of organic heart trouble. It also appeared that since his incarceration in the city jail he has had two severe attacks of heart failure and that his life seems to be in peril. A letter on file from Dr. R. V. Day of Los Angeles reads as follows: "I desire to state that I have this day examined a prisoner in the city jail to determine his physical condition from the standpoint of his health and disease as to whether his remaining there will seriously endanger his life. I found him an extremely neurotic individual, suffering from chronic heart trouble of many years' duration, with an acute exacerbation, which seriously jeopardizes his health and life, and I deem it an imperative necessity because of his serious condition that he be released at once, as his incarceration may prove fatal at any moment. Dated December 21, 1910." Acting Governor Porter granted the said William Lacey a pardon.

MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, January 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

Speaker	A. H. Hewitt
Speaker pro tem.	H. G. Cattell
Chief Clerk	L. B. Mallory
First Assistant Chief Clerk	T. G. Walker
Sergeant-at-Arms	E. H. Whyte
Minute Clerk	H. A. Harper

L. B. MALLORY, Chief Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, January 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 1, relating to inaugural ceremonies.

L. B. MALLORY, Chief Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

ADJOURNMENT.

At four o'clock and ten minutes p. m., on motion of Senator Boynton, the President declared the Senate adjourned.

IN SENATE

SENATE CHAMBER.

Tuesday, January 3, 1911.

Pursuant to adjournment, the Senate met at ten o'clock a. m. Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators, Avey, Behan, Bell, Bills, Bissell, Buck, Boynton, Burnett, Cassell, Cassidy, Curtin, Cutton, Finn, Gates, Hale, Howard, Holahan, Hood, Johnson, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 2, 1911, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Caminetti was, on motion of Senator Campbell, granted leave of absence for this day.

MOTION.

On motion of Senator Wright, the following compilation of advisory vote for United States Senator, by Senatorial and Assembly Districts, cast at the Direct Primary Election held in the State of California August 16, 1910, was read and ordered printed in the Journal.

OFFICE SECRETARY OF STATE, DEPARTMENT OF STATE, CALIFORNIA,
SACRAMENTO, CAL., December 31, 1910.

To the Speaker of the Assembly, Thirty-ninth Session, Sacramento, California.

SIR: In accordance with the requirements of Section 23 of the direct primary election law (Statutes 1909, page 691 *et seq.*), I herewith furnish you with a compiled statement of the advisory vote on United States Senator as cast at the direct primary election held in this State on August 16, 1910.

Respectfully,

C. F. CURRY, Secretary of State.

ADVISORY VOTE FOR UNITED STATES SENATOR.

SENATORIAL DISTRICTS.

	Del Norte.	Humboldt.	Tehama.	Trinity.	Totals.
First District—					
Edwin A. Meserve (Rep.)	113	1,239	136	65	1,553
A. G. Spalding (Rep.)	150	1,345	205	77	1,777
John D. Works (Rep.)	98	1,187	270	73	1,628
James D. Phelan (Dem.)		1		4	5
Job Harriman (Soc.)		68	19	4	81
Scattering			4		4
	Modoc.	Lassen.	Siskiyou.	Shasta.	Totals.
Second District—					
Edwin A. Meserve (Rep.)	121	129	429	295	974
A. G. Spalding (Rep.)	153	207	432	390	1,182
John D. Works (Rep.)	117	128	504	606	1,355
John D. Works (Dem.)		2		10	12
Job Harriman (Soc.)		4		23	27
Wm. Henderson (Pro.)			3		3
Scattering	3	3	22	9	37
	Plumas.	Sierra.	Nevada.	Placer.	Totals.
Third District—					
Edwin A. Meserve (Rep.)	115	125	482	368	1,090
A. G. Spalding (Rep.)	154	104	361	437	1,056
John D. Works (Rep.)	199	108	503	527	1,337
John D. Works (Dem.)		1	6	19	26
Job Harriman (Soc.)				6	6
John D. Works (Pro.)				3	3
Scattering	9	20	13	11	53
	Lake.	Mendocino.	Colusa.	Glenn.	Totals.
Fourth District—					
Edwin A. Meserve (Rep.)	126	629	79	91	925
A. G. Spalding (Rep.)	147	625	132	138	1,042
John D. Works (Rep.)	88	391	116	118	718
John D. Works (Dem.)	1		2	5	8
Job Harriman (Soc.)	19	17		1	37
John D. Works (Pro.)				1	1
H. P. Stipp (Pro.)	1				1
George McCowen (Pro.)	1				1
Scattering	11	12	1	14	38
			Napa.	Solano.	Totals.
Fifth District—					
Edwin A. Meserve (Rep.)			693	669	1,362
A. G. Spalding (Rep.)			732	1,163	1,895
John D. Works (Rep.)			493	703	1,196
John D. Works (Dem.)			3	18	21
A. G. Spalding (Dem.)			3	15	20
Job Harriman (Soc.)			22	34	56
Dr. H. P. Skiff (Pro.)			1		1
Scattering			34		34
	Butte.	Yuba.	Butter.	Yolo.	Totals.
Sixth District—					
Edwin A. Meserve (Rep.)	486	208	168	271	1,133
A. G. Spalding (Rep.)	664	250	190	397	1,481
John D. Works (Rep.)	833	274	197	392	1,696
T. E. Gibbon (Dem.)	2	21	2		25
Job Harriman (Soc.)	20			3	23
M. D. Hurst (Pro.)				6	6
Scattering	27	1	20	30	77
					Sacramento.
Seventh District—					
Edwin A. Meserve (Rep.)					2,025
A. G. Spalding (Rep.)					2,860
John D. Works (Rep.)					2,144
Thomas Fox (Dem.)					4
Job Harriman (Soc.)					36
Scattering					
					Sonoma.
Eighth District—					
Edwin A. Meserve (Rep.)					882
A. G. Spalding (Rep.)					1,277
John D. Works (Rep.)					1,169
A. G. Spalding (Dem.)					9
J. M. Phelan (Dem.)					9
Job Harriman (Soc.)					65
C. S. Pitt (Pro.)					4
Scattering					26
			Contra Costa.	Marin.	Totals.
Ninth District—					
Edwin A. Meserve (Rep.)			754	814	1,568
A. G. Spalding (Rep.)			1,133	1,003	2,136
John D. Works (Rep.)			620	619	1,239
R. B. Meyers (Dem.)			14		14
Job Harriman (Soc.)			46		46
John D. Works (Pro.)			1		1
Scattering			27	9	36

SENATORIAL DISTRICTS—Continued.

Tenth District—	Mono.	El Dorado.	Amador.	Calaveras.	Alpine.	Totals.
Edwin A. Meserve (Rep.)	67	199	297	307	17	987
A. G. Spalding (Rep.)	81	230	192	362	25	890
John D. Works (Rep.)	44	167	180	266	10	667
Thos. E. Gibbon (Dem.)		33				33
Job Harriman (Soc.)		14		8		22
John D. Works (Pro.)	1	1				2
Scattering	6		17	22		45

Eleventh District—	San Joaquin.
Edwin A. Meserve (Rep.)	1,046
A. G. Spalding (Rep.)	1,370
John D. Works (Rep.)	1,418
A. L. Cowell (Dem.)	332
Scattering	15

Twelfth District—	Tuolumne.	Mariposa.	Madera.	Stanislaus.	Merced.	Totals.
Edwin A. Meserve (Rep.)	116	50	69	178	133	656
A. G. Spalding (Rep.)	352	44	135	220	175	926
John D. Works (Rep.)	211	44	148	436	146	985
John D. Works (Dem.)	5		4	3	2	20
Job Harriman (Soc.)	26		14	24	19	83
John D. Works (Pro.)				4		4
Ira Surface (Pro.)				4		4
Scattering	14	5	5	46	8	78

Thirteenth District—	Alameda.
Edwin A. Meserve (Rep.)	641
A. G. Spalding (Rep.)	901
John D. Works (Rep.)	674
John D. Works (Dem.)	5
Job Harriman (Soc.)	9
Scattering	4

Fourteenth District—	Alameda.
Edwin A. Meserve (Rep.)	1,402
A. G. Spalding (Rep.)	2,505
John D. Works (Rep.)	1,903
John D. Works (Dem.)	17
Job Harriman (Soc.)	131
W. S. Kerr (Pro.)	2
Scattering	16

Fifteenth District—	Alameda.
Edwin A. Meserve (Rep.)	2,126
A. G. Spalding (Rep.)	4,004
John D. Works (Rep.)	4,319
John D. Works (Dem.)	21
Job Harriman (Soc.)	126
W. S. Kerr (Pro.)	7
Scattering	19

Sixteenth District—	Alameda.
Edwin A. Meserve (Rep.)	1,783
A. G. Spalding (Rep.)	2,963
John D. Works (Rep.)	1,939
John D. Works (Dem.)	14
Job Harriman (Soc.)	89
Scattering	13

Seventeenth District—	San Francisco.
Edwin A. Meserve (Rep.)	326
A. G. Spalding (Rep.)	404
John D. Works (Rep.)	241
E. A. Meserve (Dem.)	2
James D. Phelan (Dem.)	2
Job Harriman (Soc.)	21
J. H. Wortendyke (Pro.)	3
Scattering	2

Eighteenth District—	San Francisco.
Edwin A. Meserve (Rep.)	685
A. G. Spalding (Rep.)	1,113
John D. Works (Rep.)	546
H. P. Flannery (Dem.)	12
Job Harriman (Soc.)	38
J. H. Wortendyke (Pro.)	3
Scattering	18

Nineteenth District—	San Francisco.
A. G. Spalding (Rep.)	1,221
John D. Works (Rep.)	1,997
Edwin A. Meserve (Rep.)	1,101
A. G. Spalding (Dem.)	11
Job Harriman (Soc.)	53
J. H. Wortendyke (Pro.)	4
Scattering	22

SENATORIAL DISTRICTS—(continued).

Twentieth District—		San Francisco.	
Edwin A. Meserve (Rep.)	1,680		
A. G. Spalding (Rep.)	2,568		
John D. Works (Rep.)	1,526		
H. P. Flannery (Dem.)	26		
Job Harriman (Soc.)	104		
J. H. Wortendyke (Pro.)	7		
Scattering	46		
Twenty-first District—		San Francisco.	
Edwin A. Meserve (Rep.)	1,900		
A. G. Spalding (Rep.)	2,407		
John D. Works (Rep.)	1,585		
H. P. Flannery (Dem.)	30		
Job Harriman (Soc.)	47		
J. H. Wortendyke (Pro.)	1		
Scattering	97		
Twenty-second District—		San Francisco.	
Edwin A. Meserve (Rep.)	2,031		
A. G. Spalding (Rep.)	2,772		
John D. Works (Rep.)	2,032		
H. P. Flannery (Dem.)	18		
Job Harriman (Soc.)	37		
J. H. Wortendyke (Pro.)	1		
Scattering	67		
Twenty-third District—		San Francisco.	
Edwin A. Meserve (Rep.)	451		
A. G. Spalding (Rep.)	630		
John D. Works (Rep.)	420		
H. P. Flannery (Dem.)	14		
Job Harriman (Soc.)	10		
Scattering	16		
Twenty-fourth District—		San Francisco.	
Edwin A. Meserve (Rep.)	578		
A. G. Spalding (Rep.)	852		
John D. Works (Rep.)	510		
H. P. Flannery (Dem.)	7		
Job Harriman (Soc.)	9		
J. H. Wortendyke (Pro.)	1		
Scattering	42		
Twenty-fifth District—		San Francisco.	
Edwin A. Meserve (Rep.)	927		
A. G. Spalding (Rep.)	1,309		
John D. Works (Rep.)	757		
H. P. Flannery (Dem.)	10		
Job Harriman (Soc.)	16		
Scattering	39		
Twenty-sixth District—		Fresno.	
Edwin A. Meserve (Rep.)	737		
A. G. Spalding (Rep.)	757		
John D. Works (Rep.)	2,050		
John D. Works (Dem.)	68		
Job Harriman (Soc.)	83		
P. R. Jackson (Pro.)	17		
Scattering	105		
Twenty-seventh District—		Santa Clara.	
Edwin A. Meserve (Rep.)	772		
A. G. Spalding (Rep.)	1,253		
John D. Works (Rep.)	1,238		
T. E. Gibbons (Dem.)	64		
Job Harriman (Soc.)	23		
John D. Works (Pro.)	9		
Scattering	42		
Twenty-eighth District—		Santa Clara.	
Edwin A. Meserve (Rep.)	1,016		
A. G. Spalding (Rep.)	1,448		
John D. Works (Rep.)	1,222		
T. E. Gibbons (Dem.)	67		
Job Harriman (Soc.)	47		
John D. Works (Pro.)	10		
Scattering	71		
Twenty-ninth District—		Santa Cruz.	San Mateo.
Edwin A. Meserve (Rep.)	561	742	1,342
A. G. Spalding (Rep.)	550	1,240	1,790
John D. Works (Rep.)	549	514	1,063
John D. Works (Dem.)	13	13	26
James D. Phelan (Dem.)	4	21	25
Job Harriman (Soc.)	33	10	43
John D. Works (Pro.)	2		2
R. E. Surface (Pro.)	2		2
Scattering		55	55

SENATORIAL DISTRICTS—Continued.

Thirtieth District—	San Bernardino	Inyo	Totals.
Edwin A. Meserve (Rep.)	1,512	77	1,589
A. G. Spalding (Rep.)	1,516	97	1,613
John D. Works (Rep.)	1,889	114	1,993
John D. Works (Dem.)	10	7	17
Job Harriman (Soc.)	86	—	86
J. S. Armstrong (Pro.)	15	—	15
Scattering	48	8	56

Thirty-first District—	Monterey.	San Benito.	San Luis Obispo.	Totals.
Edwin A. Meserve (Rep.)	255	189	241	685
A. G. Spalding (Rep.)	697	594	579	1,870
John D. Works (Rep.)	149	145	475	1,169
Thomas F. Gibbon (Dem.)	—	—	61	61
Job Harriman (Soc.)	2	9	45	56
Ira E. Surface (Pro.)	4	—	—	4
Scattering	37	23	23	83

Thirty-second District—	Kern.	Kings.	Tulare.	Totals.
Edwin A. Meserve (Rep.)	14	27	25	66
A. G. Spalding (Rep.)	58	373	350	781
John D. Works (Rep.)	391	481	778	1,550
John D. Works (Dem.)	—	2	18	20
Job Harriman (Soc.)	—	19	47	66
John D. Works (Pro.)	—	—	2	2
Scattering	6	—	25	31

Thirty-third District—	Santa Barbara.	Ventura.	Totals.
Edwin A. Meserve (Rep.)	—	627	627
A. G. Spalding (Rep.)	—	438	438
John D. Works (Rep.)	—	496	496
O. A. Tippet (Dem.)	—	14	14
Job Harriman (Soc.)	—	15	15
Edwin Meserve (Pro.)	—	1	1
Scattering	—	21	21

Thirty-fourth District—	Los Angeles.
Edwin A. Meserve (Rep.)	4,486
A. G. Spalding (Rep.)	1,424
John D. Works (Rep.)	6,394
John D. Works (Dem.)	87
Job Harriman (Soc.)	158
John D. Works (Pro.)	36
Scattering	124

Thirty-fifth District—	Los Angeles.
Edwin A. Meserve (Rep.)	2,207
A. G. Spalding (Rep.)	617
John D. Works (Rep.)	3,126
John D. Works (Dem.)	17
Job Harriman (Soc.)	59
John D. Works (Pro.)	49
Scattering	146

Thirty-sixth District—	Los Angeles.
Edwin A. Meserve (Rep.)	1,826
A. G. Spalding (Rep.)	782
John D. Works (Rep.)	3,255
John D. Works (Dem.)	21
Job Harriman (Soc.)	132
John D. Works (Pro.)	36
Scattering	46

Thirty-seventh District—	Los Angeles.
Edwin A. Meserve (Rep.)	2,014
A. G. Spalding (Rep.)	706
John D. Works (Rep.)	2,341
John D. Works (Dem.)	27
Job Harriman (Soc.)	78
John D. Works (Pro.)	17
Scattering	167

Thirty-eighth District—	Los Angeles.
Edwin A. Meserve (Rep.)	2,062
A. G. Spalding (Rep.)	847
John D. Works (Rep.)	2,497
John D. Works (Dem.)	36
Job Harriman (Soc.)	110
John D. Works (Pro.)	3
Scattering	132

SENATORIAL DISTRICTS—Continued.

	Orange.	Riverside.	Totals.
<i>Thirty-ninth District—</i>			
Edwin A. Meserve (Rep.)	1,115	694	1,809
A. G. Spalding (Rep.)	511	1,350	1,861
John D. Works (Rep.)	1,498	1,040	2,538
O. C. Tippetts (Dem.)		30	30
Job Harriman (Soc.)	65	47	112
John D. Works (Pro.)	5		5
O. C. Tippetts (Pro.)		3	3
Scattering	29	12	41
<i>Fortieth District—</i>			
Edwin A. Meserve (Rep.)	206	194	399
A. G. Spalding (Rep.)	4,573	231	4,804
John D. Works (Rep.)	816	283	1,099
A. G. Spalding (Dem.)	84		84
Job Harriman (Soc.)	199		199
Scattering	40		40

ASSEMBLY DISTRICTS.

	Del Norte.	Siskiyou.	Trinity.	Totals.
<i>First District</i>				
Edwin A. Meserve (Rep.)	113	429	65	607
A. G. Spalding (Rep.)	150	432	77	659
John D. Works (Rep.)	98	504	73	675
James D. Phelan (Dem.)			4	4
J. D. Phelan (Dem.)		4		4
Job Harriman (Soc.)			4	4
Wm. Henderson (Pro.)		3		3
Scattering		22		22
<i>Second District</i>				Humboldt.
Edwin A. Meserve (Rep.)				687
A. G. Spalding (Rep.)				676
John D. Works (Rep.)				813
J. O. Davis (Dem.)				1
Job Harriman (Soc.)				44
<i>Third District</i>				Humboldt.
Edwin A. Meserve (Rep.)				552
A. G. Spalding (Rep.)				469
John D. Works (Rep.)				374
James D. Phelan (Dem.)				1
James J. Smith (Dem.)				1
E. W. Wilson (Dem.)				1
T. J. Geary (Dem.)				1
Job Harriman (Soc.)				24
<i>Fourth District</i>	Modoc.	Lassen.	Shasta.	Totals.
Edwin A. Meserve (Rep.)	121	129	295	545
A. G. Spalding (Rep.)	153	267	399	759
John D. Works (Rep.)	117	126	696	861
John D. Works (Dem.)		10	10	20
Job Harriman (Soc.)		23		23
J. D. Works (Pro.)		2	2	4
Scattering	3	3	9	15
<i>Fifth District</i>	Tehama.	Plumas.	Sierra.	Totals.
Edwin A. Meserve (Rep.)	136	115	125	376
A. G. Spalding (Rep.)	205	154	104	463
John D. Works (Rep.)	270	169	198	577
C. M. Belshaw (Dem.)			12	12
Job Harriman (Soc.)	19		1	20
Scattering	4	9	21	33
<i>Sixth District</i>				Mendocino.
Edwin A. Meserve (Rep.)				699
A. G. Spalding (Rep.)				625
John D. Works (Rep.)				391
Wm. Kent (Dem.)				9
Job Harriman (Soc.)				17
Scattering				82
<i>Seventh District</i>				Butte.
Edwin A. Meserve (Rep.)				486
A. G. Spalding (Rep.)				664
John D. Works (Rep.)				823
A. E. Boynton (Dem.)				17
Job Harriman (Soc.)				20
W. D. Hurst (Pro.)				1
Scattering				27
<i>Eighth District</i>		Sutter.	Yuba.	Totals.
Edwin A. Meserve (Rep.)		168	208	376
A. G. Spalding (Rep.)		160	260	420
John D. Works (Rep.)		197	276	473
T. E. Gibbons (Dem.)		2	21	23
Scattering		20	7	27

ASSEMBLY DISTRICTS *Continued.**Ninth District—*

	Nevada.
Edwin A. Meserve (Rep.)	482
A. G. Spalding (Rep.)	361
John D. Works (Rep.)	508
Job Harriman (Soc.)	6
Scattering	13

Tenth District—

	El Dorado.	Placer.	Totals.
Edwin A. Meserve (Rep.)	169	328	497
A. G. Spalding (Rep.)	269	437	706
John D. Works (Rep.)	195	337	532
Thos. E. Gibbons (Dem.)	33		33
Job Harriman (Soc.)	14	6	20
John D. Works (Pro.)	1	2	3
Scattering		11	11

Eleventh District—

	Amador.	Calaveras.	Alpine.	Monro.	Totals.
Edwin A. Meserve (Rep.)	267	337	17	7	628
A. G. Spalding (Rep.)	163	362	35	81	641
John D. Works (Rep.)	180	362	10	44	596
James D. Phelan (Dem.)	39	14			53
Job Harriman (Soc.)		8			8
John D. Works (Pro.)				1	1
Scattering	17	29		6	52

Twelfth District—

	Glenn.	Colusa.	Lake.	Totals.
Edwin A. Meserve (Rep.)	91	9	126	226
A. G. Spalding (Rep.)	128	132	147	407
John D. Works (Rep.)	118	116	88	322
John D. Works (Dem.)	5	2		7
T. E. Gibbons (Dem.)				
Job Harriman (Soc.)	1		19	20
John D. Works (Pro.)	1			1
George McCowan (Pro.)			1	1
H. P. Stipp (Pro.)			1	1
Scattering		14	11	25

Thirteenth District—

	Sonoma.
Edwin A. Meserve (Rep.)	482
A. G. Spalding (Rep.)	750
John D. Works (Rep.)	625
A. G. Spalding (Dem.)	5
Job Harriman (Soc.)	34
O. S. Pitt (Pro.)	2

Fourteenth District—

	Sonoma.
Edwin A. Meserve (Rep.)	499
A. G. Spalding (Rep.)	367
John D. Works (Rep.)	394
James D. Phelan (Dem.)	14
Job Harriman (Soc.)	5
C. S. Pitt (Pro.)	1

Fifteenth District—

	Napa.
Edwin A. Meserve (Rep.)	660
A. G. Spalding (Rep.)	732
John D. Works (Rep.)	437
A. G. Spalding (Dem.)	5
Job Harriman (Soc.)	29
Dr. H. P. Skiff (Pro.)	1
Scattering	31

Sixteenth District—

	Yolo.
Edwin A. Meserve (Rep.)	271
A. G. Spalding (Rep.)	367
John D. Works (Rep.)	392
E. E. Leake (Dem.)	3
Job Harriman (Soc.)	3
M. D. Hurst (Pro.)	6
Scattering	30

Seventeenth District—

	Sacramento.
Edwin A. Meserve (Rep.)	678
A. G. Spalding (Rep.)	981
John D. Works (Rep.)	686
Job Harriman (Soc.)	1

Eighteenth District—

	Sacramento.
Edwin A. Meserve (Rep.)	804
A. G. Spalding (Rep.)	1,069
John D. Works (Rep.)	861
Thomas Fox (Dem.)	4
Job Harriman (Soc.)	12

Nineteenth District—

	Sacramento.
Edwin A. Meserve (Rep.)	548
A. G. Spalding (Rep.)	840
John D. Works (Rep.)	698
Job Harriman (Soc.)	23

ASSEMBLY DISTRICTS—Continued.

Twentieth District—		Solano.	
Edwin A. Meserve (Rep.)	.....	669	
A. G. Spalding (Rep.)	.....	1,168	
John D. Works (Rep.)	.....	708	
A. G. Spalding (Dem.)	.....	15	
John D. Works (Dem.)	.....	18	
Job Harriman (Soc.)	.....	34	
Twenty-first District—		Marin.	
Edwin A. Meserve (Rep.)	.....	814	
A. G. Spalding (Rep.)	.....	1,008	
John D. Works (Rep.)	.....	619	
P. H. Flannery (Dem.)	.....	9	
Twenty-second District—		Contra Costa.	
Edwin A. Meserve (Rep.)	.....	754	
A. G. Spalding (Rep.)	.....	1,148	
John D. Works (Rep.)	.....	630	
R. B. Meyers (Dem.)	.....	14	
Job Harriman (Soc.)	.....	46	
John D. Works (Pro.)	.....	1	
Scattering	.....	27	
Twenty-third District—		San Joaquin.	
Edwin A. Meserve (Rep.)	.....	602	
A. G. Spalding (Rep.)	.....	711	
John D. Works (Rep.)	.....	677	
A. L. Cowell (Dem.)	.....	161	
Scattering	.....	7	
Twenty-fourth District—		San Joaquin.	
Edwin A. Meserve (Rep.)	.....	444	
A. G. Spalding (Rep.)	.....	656	
John D. Works (Rep.)	.....	741	
A. L. Cowell (Dem.)	.....	72	
Scattering	.....	8	
Twenty-fifth District—		Stanislaus.	Merced.
Edwin A. Meserve (Rep.)	.....	278	122
A. G. Spalding (Rep.)	.....	390	145
John D. Works (Rep.)	.....	436	135
John D. Works (Dem.)	.....	2	8
Job Harriman (Soc.)	.....	—	19
John D. Works (Pro.)	.....	4	—
Ira Surface (Pro.)	.....	4	—
Scattering	.....	86	5
		Madera.	Totals.
		69	480
		125	960
		148	719
		4	15
		14	33
		—	4
		—	4
		5	99
Twenty-sixth District—		Tuolumne.	Mariposa.
Edwin A. Meserve (Rep.)	.....	146	50
A. G. Spalding (Rep.)	.....	252	44
John D. Works (Rep.)	.....	211	41
A. G. Spalding (Dem.)	.....	6	—
Job Harriman (Soc.)	.....	26	—
Scattering	.....	13	3
Twenty-seventh District—		Inyo.	Tulare.
Edwin A. Meserve (Rep.)	.....	77	225
A. G. Spalding (Rep.)	.....	97	350
John D. Works (Rep.)	.....	114	778
John D. Works (Dem.)	.....	7	18
Job Harriman (Soc.)	.....	—	47
John D. Works (Pro.)	.....	—	3
Scattering	.....	8	25
Twenty-eighth District—		San Francisco.	
Edwin A. Meserve (Rep.)	.....	260	
A. G. Spalding (Rep.)	.....	201	
John D. Works (Rep.)	.....	196	
E. A. Meserve (Dem.)	.....	2	
J. D. Phelan (Dem.)	.....	2	
Job Harriman (Soc.)	.....	17	
J. N. Wortendyke (Pro.)	.....	2	
Scattering	.....	3	
Twenty-ninth District—		San Francisco.	
Edwin A. Meserve (Rep.)	.....	196	
A. G. Spalding (Rep.)	.....	268	
John D. Works (Rep.)	.....	115	
H. P. Flannery (Dem.)	.....	1	
Job Harriman (Soc.)	.....	4	
J. N. Wortendyke (Pro.)	.....	1	
Scattering	.....	1	
Thirtieth District—		San Francisco.	
Edwin A. Meserve (Rep.)	.....	157	
A. G. Spalding (Rep.)	.....	265	
John D. Works (Rep.)	.....	156	
H. P. Flannery (Dem.)	.....	12	
Job Harriman (Soc.)	.....	8	
Scattering	.....	13	

ASSEMBLY DISTRICTS—Continued

Thirty-first District—

	San Francisco.
Edwin A. Meserve (Rep.)	291
A. G. Spalding (Rep.)	340
John D. Works (Rep.)	267
E. A. Meserve (Dem.)	8
Job Harriman (Soc.)	17
Scattering	6

Thirty-second District—

	San Francisco.
Edwin A. Meserve (Rep.)	611
A. G. Spalding (Rep.)	1,178
John D. Works (Rep.)	562
H. P. Flannery (Dem.)	4
A. G. Spalding (Dem.)	4
Job Harriman (Soc.)	—
J. N. Wortendyke (Rep.)	2
Scattering	9

Thirty-third District—

	San Francisco.
Edwin A. Meserve (Rep.)	824
A. G. Spalding (Rep.)	1,205
John D. Works (Rep.)	645
H. P. Flannery (Dem.)	11
Job Harriman (Soc.)	14
Scattering	5

Thirty-fourth District—

	San Francisco.
Edwin A. Meserve (Rep.)	806
A. G. Spalding (Rep.)	1,256
John D. Works (Rep.)	882
H. P. Flannery (Dem.)	15
Job Harriman (Soc.)	50
J. N. Wortendyke (Pro.)	—
Scattering	26

Thirty-fifth District—

	San Francisco.
Edwin A. Meserve (Rep.)	610
A. G. Spalding (Rep.)	888
John D. Works (Rep.)	—
A. G. Spalding (Dem.)	—
Job Harriman (Soc.)	—
J. H. Wortendyke (Pro.)	—
Scattering	—

Thirty-sixth District—

	San Francisco.
Edwin A. Meserve (Rep.)	391
A. G. Spalding (Rep.)	573
John D. Works (Rep.)	279
H. P. Flannery (Dem.)	11
Job Harriman (Soc.)	27
J. H. Wortendyke (Pro.)	3
Scattering	14

Thirty-seventh District—

	San Francisco.
Edwin A. Meserve (Rep.)	1,114
A. G. Spalding (Rep.)	1,420
John D. Works (Rep.)	284
H. P. Flannery (Dem.)	22
Job Harriman (Soc.)	15
J. H. Wortendyke (Pro.)	1
Scattering	0

Thirty-eighth District—

	San Francisco.
Edwin A. Meserve (Rep.)	786
A. G. Spalding (Rep.)	987
John D. Works (Rep.)	601
H. P. Flannery (Dem.)	8
Job Harriman (Soc.)	32
Scattering	35

Thirty-ninth District—

	San Francisco.
Edwin A. Meserve (Rep.)	1,392
A. G. Spalding (Rep.)	2,010
John D. Works (Rep.)	1,469
H. P. Flannery (Dem.)	11
Job Harriman (Soc.)	30
Scattering	51

Fortieth District—

	San Francisco.
Edwin A. Meserve (Rep.)	639
A. G. Spalding (Rep.)	762
John D. Works (Rep.)	563
H. P. Flannery (Dem.)	7
Job Harriman (Soc.)	7
J. H. Wortendyke (Pro.)	1
Scattering	12

ASSEMBLY DISTRICTS—Continued.

		San Francisco
Forty-first District—		
Edwin A. Meserve (Rep.)	.....	630
A. G. Spalding (Rep.)	.....	876
John D. Works (Rep.)	.....	696
H. P. Flannery (Dem.)	.....	7
Job Harriman (Soc.)	.....	14
Scattering	.....	28
		San Francisco.
Forty-second District—		
Edwin A. Meserve (Rep.)	.....	254
A. G. Spalding (Rep.)	.....	360
John D. Works (Rep.)	.....	264
J. D. Phelan (Dem.)	.....	3
Job Harriman (Soc.)	.....	2
Scattering	.....	2
		San Francisco
Forty-third District—		
Edwin A. Meserve (Rep.)	.....	255
A. G. Spalding (Rep.)	.....	410
John D. Works (Rep.)	.....	278
H. P. Flannery (Dem.)	.....	3
A. G. Spalding (Dem.)	.....	5
Job Harriman (Soc.)	.....	20
Scattering	.....	2
		San Francisco.
Forty-fourth District—		
Edwin A. Meserve (Rep.)	.....	332
A. G. Spalding (Rep.)	.....	468
John D. Works (Rep.)	.....	242
H. P. Flannery (Dem.)	.....	4
Job Harriman (Soc.)	.....	4
J. N. Wortendyke (Pro.)	.....	1
Scattering	.....	19
		San Francisco
Forty-fifth District—		
Edwin A. Meserve (Rep.)	.....	297
A. G. Spalding (Rep.)	.....	423
John D. Works (Rep.)	.....	15
H. P. Flannery (Dem.)	.....	2
Job Harriman (Soc.)	.....	2
Scattering	.....	11
		Alameda.
Forty-sixth District—		
Edwin A. Meserve (Rep.)	.....	641
A. G. Spalding (Rep.)	.....	901
John D. Works (Rep.)	.....	674
John D. Works (Dem.)	.....	5
Job Harriman (Soc.)	.....	0
Scattering	.....	4
		Alameda
Forty-seventh District—		
Edwin A. Meserve (Rep.)	.....	642
A. G. Spalding (Rep.)	.....	1,371
John D. Works (Rep.)	.....	824
John D. Works (Dem.)	.....	5
Job Harriman (Soc.)	.....	27
W. S. Kerr (Pro.)	.....	1
Scattering	.....	4
		Alameda.
Forty-eighth District—		
Edwin A. Meserve (Rep.)	.....	717
A. G. Spalding (Rep.)	.....	1,024
John D. Works (Rep.)	.....	575
John D. Works (Dem.)	.....	4
Job Harriman (Soc.)	.....	18
Scattering	.....	4
		Alameda.
Forty-ninth District—		
Edwin A. Meserve (Rep.)	.....	791
A. G. Spalding (Rep.)	.....	1,247
John D. Works (Rep.)	.....	604
A. G. Spalding (Dem.)	.....	8
Job Harriman (Soc.)	.....	24
Scattering	.....	4
		Alameda
Fiftieth District—		
Edwin A. Meserve (Rep.)	.....	1,020
A. G. Spalding (Rep.)	.....	1,981
John D. Works (Rep.)	.....	1,468
A. G. Spalding (Dem.)	.....	8
Job Harriman (Soc.)	.....	58
Scattering	.....	5

ASSEMBLY DISTRICTS—Continued

Fifty-first District—		Alameda
Edwin A. Meserve (Rep.)	1,122	
A. G. Spalding (Rep.)	2,011	
John D. Works (Rep.)	1,506	
A. G. Spalding (Dem.)	16	
Job Harriman (Soc.)	128	
W. S. Kerr (Pro.)	6	
Scattering	17	
Fifty-second District—		Alameda
Edwin A. Meserve (Rep.)	1,079	
A. G. Spalding (Rep.)	1,909	
John D. Works (Rep.)	2,871	
John D. Works (Dem.)		
Job Harriman (Soc.)	94	
Scattering	14	
Fifty-third District—		San Mateo.
Edwin A. Meserve (Rep.)	742	
A. G. Spalding (Rep.)	1,240	
John D. Works (Rep.)	574	
John D. Works (Dem.)	21	
James D. Phelan (Dem.)	21	
Job Harriman (Soc.)	10	
Scattering	47	
Fifty-fourth District—		Santa Cruz
Edwin A. Meserve (Rep.)	561	
A. G. Spalding (Rep.)	500	
John D. Works (Rep.)	549	
John D. Works (Dem.)	13	
Job Harriman (Soc.)	33	
John D. Works (Pro.)	3	
R. F. Surface (Pro.)	4	
Scattering	4	
Fifty-fifth District—		Santa Clara
Edwin A. Meserve (Rep.)	519	
A. G. Spalding (Rep.)	702	
John D. Works (Rep.)	815	
L. E. Gibbons (Dem.)	45	
Job Harriman (Soc.)	26	
John D. Works (Pro.)	9	
Scattering	10	
Fifty-sixth District—		Santa Clara.
Edwin A. Meserve (Rep.)	388	
A. G. Spalding (Rep.)	947	
John D. Works (Rep.)	800	
L. E. Gibbons (Dem.)	5	
Job Harriman (Soc.)	34	
John D. Works (Pro.)	7	
Scattering	45	
Fifty-seventh District—		Santa Clara.
Edwin A. Meserve (Rep.)	681	
A. G. Spalding (Rep.)	994	
John D. Works (Rep.)	813	
L. E. Gibbons (Dem.)	36	
Job Harriman (Soc.)	16	
John D. Works (Pro.)	3	
Scattering	32	
Fifty-eighth District—		San Benito.
Edwin A. Meserve (Rep.)	139	
A. G. Spalding (Rep.)	194	
John D. Works (Rep.)	145	
Henry Hawson (Dem.)	6	
Job Harriman (Soc.)	9	
Scattering	17	
Fifty-ninth District—		Monterey.
Edwin A. Meserve (Rep.)	325	
A. G. Spalding (Rep.)	662	
John D. Works (Rep.)	549	
A. G. Spalding (Dem.)	7	
Job Harriman (Soc.)	2	
Ira F. Surface (Rep.)	4	
Scattering	29	
Sixtieth District—		Fresno.
Edwin A. Meserve (Rep.)	414	
A. G. Spalding (Rep.)	418	
John D. Works (Rep.)	1,094	
John D. Works (Dem.)	28	
Job Harriman (Soc.)	50	
J. R. Jackson (Pro.)	10	
Scattering	45	

ASSEMBLY DISTRICTS—Continued.

Sixty-first District—		Fresno.
Edwin A. Meserve (Rep.)	323	
A. G. Spalding (Rep.)	339	
John D. Works (Rep.)	286	
John D. Works (Dem.)	40	
Job Harriman (Soc.)	33	
J. R. Jackson (Pro.)	9	
Scattering	60	
Sixty-second District—		Kings.
Edwin A. Meserve (Rep.)	257	
A. G. Spalding (Rep.)	273	
John D. Works (Rep.)	481	
Henry Hawson (Dem.)	6	
Job Harriman (Soc.)	10	
John D. Works (Pro.)	4	
Scattering	0	
Sixty-third District—		San Luis Obispo.
Edwin A. Meserve (Rep.)	511	
A. G. Spalding (Rep.)	379	
John D. Works (Rep.)	415	
Thomas E. Gibbons (Dem.)	51	
Job Harriman (Soc.)	45	
John D. Works (Pro.)	2	
Scattering	25	
Sixty-fourth District—		Santa Barbara.
Edwin A. Meserve (Rep.)	627	
A. G. Spalding (Rep.)	458	
John D. Works (Rep.)	436	
F. K. Lane (Dem.)	4	
John D. Works (Pro.)	4	
Job Harriman (Soc.)	15	
Scattering	15	
Sixty-fifth District—		Ventura.
Edwin A. Meserve (Rep.)	419	
A. G. Spalding (Rep.)	280	
John D. Works (Rep.)	419	
O. A. Tippet (Dem.)	14	
Job Harriman (Soc.)	9	
Edwin Meserve (Pro.)	1	
Scattering	21	
Sixty-sixth District—		Kern.
Edwin A. Meserve (Rep.)	340	
A. G. Spalding (Rep.)	335	
John D. Works (Rep.)	501	
A. G. Spalding (Dem.)	4	
Scattering	0	
Sixty-seventh District—		Los Angeles.
Edwin A. Meserve (Rep.)	1,030	
A. G. Spalding (Rep.)	291	
John D. Works (Rep.)	1,756	
John D. Works (Dem.)	14	
Job Harriman (Soc.)	27	
John D. Works (Pro.)	60	
Scattering	0	
Sixty-eighth District—		Los Angeles.
Edwin A. Meserve (Rep.)	1,130	
A. G. Spalding (Rep.)	243	
John D. Works (Rep.)	914	
John D. Works (Dem.)	0	
Job Harriman (Soc.)	30	
John D. Works (Pro.)	15	
Scattering	75	
Sixty-ninth District—		Los Angeles.
Edwin A. Meserve (Rep.)	1,712	
A. G. Spalding (Rep.)	508	
John D. Works (Rep.)	3,198	
John D. Works (Dem.)	19	
Job Harriman (Soc.)	83	
John D. Works (Pro.)	64	
Scattering	0	
Seventieth District—		Los Angeles.
Edwin A. Meserve (Rep.)	2,727	
A. G. Spalding (Rep.)	887	
John D. Works (Rep.)	4,019	
John D. Works (Dem.)	89	
Job Harriman (Soc.)	103	
John D. Works (Pro.)	34	
Scattering	84	

ASSEMBLY DISTRICTS—Continued.

Seventy-first District—		Los Angeles.	
Edwin A. Meserve (Rep.)	1,028		
A. G. Spalding (Rep.)	840		
John D. Works (Rep.)	1,178		
John D. Works (Dem.)	9		
Job Harriman (Soc.)	39		
John D. Works (Pro.)	3		
Scattering	98		
Seventy-second District—		Los Angeles.	
Edwin A. Meserve (Rep.)	1,218		
A. G. Spalding (Rep.)	350		
John D. Works (Rep.)	1,524		
John D. Works (Dem.)	30		
Job Harriman (Soc.)	62		
J. D. Works (Pro.)	4		
Scattering	50		
Seventy-third District—		Los Angeles.	
Edwin A. Meserve (Rep.)	672		
A. G. Spalding (Rep.)	448		
John D. Works (Rep.)	919		
John D. Works (Dem.)	14		
Job Harriman (Soc.)	50		
John D. Works (Pro.)	1		
Scattering	72		
Seventy-fourth District—		Los Angeles.	
Edwin A. Meserve (Rep.)	1,602		
A. G. Spalding (Rep.)	805		
John D. Works (Rep.)	2,475		
John D. Works (Dem.)	22		
Job Harriman (Soc.)	108		
John D. Works (Pro.)	18		
Scattering	80		
Seventy-fifth District—		Los Angeles.	
Edwin A. Meserve (Rep.)	1,402		
A. G. Spalding (Rep.)	578		
John D. Works (Rep.)	1,490		
John D. Works (Dem.)	16		
Job Harriman (Soc.)	50		
John D. Works (Pro.)	15		
Scattering	78		
Seventy-sixth District—		San Bernardino.	
Edwin A. Meserve (Rep.)	1,512		
A. G. Spalding (Rep.)	1,518		
John D. Works (Rep.)	1,080		
John D. Works (Dem.)	10		
Job Harriman (Soc.)	85		
J. S. Armstrong (Pro.)	4		
Scattering	28		
Seventy-seventh District—		Orange.	
Edwin A. Meserve (Rep.)	1,115		
A. G. Spalding (Rep.)	511		
John D. Works (Rep.)	1,498		
John D. Works (Dem.)	5		
Job Harriman (Soc.)	66		
John D. Works (Pro.)	5		
Scattering	1		
Seventy-eighth District—		Riverside.	
Edwin A. Meserve (Rep.)	694		
A. G. Spalding (Rep.)	1,350		
John D. Works (Rep.)	1,040		
O. C. Trippett (Dem.)	30		
Job Harriman (Soc.)	47		
James S. Edwards (Pro.)	5		
Scattering	10		
Seventy-ninth District—		San Diego.	
Edwin A. Meserve (Rep.)	92		
A. G. Spalding (Rep.)	3,577		
John D. Works (Rep.)	397		
A. G. Spalding (Dem.)	89		
Job Harriman (Soc.)	97		
Oscar Trippett (Pro.)	36		
Eightieth District—		Imperial.	San Diego.
Edwin A. Meserve (Rep.)	193	114	307
A. G. Spalding (Rep.)	221	1,096	1,327
John D. Works (Rep.)	263	419	682
A. G. Spalding (Dem.)		4	4
Job Harriman (Soc.)		102	102
Oscar Trippett (Pro.)		4	4

TABULATED ADVISORY VOTE FOR

Counties.	Edwin A. Meserve, Republican.	A. G. Spalding, Republican.	John D. Works, Republican.	Edwin A. Meserve, Democratic.	A. G. Spalding, Democratic.	John D. Works, Democratic.
Alameda	5,952	10,373	8,835		52	57
Alpine	17	25	10			
Amador	267	192	180	1	5	11
Butte	486	664	833			
Calaveras	307	362	266	2		
Colusa	79	132	116			
Contra Costa	754	1,133	620		11	2
Del Norte	113	150	98			8
El Dorado	199	229	197			
Fresno	737	737	2,050			68
Glenn	91	138	118			5
Humboldt	1,239	1,345	1,187			
Imperial	193	231	263			
Inyo	77	97	114		2	7
Kern	340	358	501	2	4	
Kings	257	273	481			2
Lake	126	147	88	1		1
Lassen	129	207	128			2
Los Angeles	12,615	4,375	17,453	17	20	188
Madera	69	125	148			4
Marin	814	1,003	619			
Mariposa	50	44	44			
Mendocino	629	625	396			
Merced	133	175	135		3	8
Modoc	121	153	117		1	
Mono	67	81	44			2
Monterey	326	662	549			
Napa	663	732	493		5	3
Nevada	482	361	503			
Orange	1,115	511	1,498			5
Placer	368	437	527	5	4	19
Plumas	115	154	199		3	
Riverside	694	1,350	1,040		7	
Sacramento	2,025	2,860	2,145			
San Benito	139	194	145	1	5	4
San Bernardino	1,512	1,516	1,089		3	10
San Diego	206	4,573	816		84	
San Francisco	9,749	14,052	8,718	23	54	44
San Joaquin	1,046	1,370	1,418			
San Luis Obispo	341	379	475	1	2	5
San Mateo	742	1,240	514	4	21	13
Santa Barbara	627	438	436	2		5
Santa Clara	1,788	2,701	2,460	9	22	
Santa Cruz	561	550	549		4	13
Shasta	265	390	606			10
Sierra	125	104	108		3	
Siskiyou	429	432	504	5		
Solano	669	1,163	703		15	18
Sonoma	882	1,277	1,169	1	9	6
Stanislaus	278	360	436			3
Sutter	168	190	197			
Tehama	136	205	270		1	
Trinity	65	77	73			
Tulare	225	350	778		2	18
Tuolumne	146	252	211	3	6	5
Ventura	419	280	419		1	4
Yolo	271	367	392			
Yuba	206	260	276	3	1	1
Totals	62,676	63,182	64,757	80	350	551

UNITED STATES SENATOR BY COUNTIES.

James D. Phelan, Democratic.	John Hartman, Socialist	John D. Works, Prohibition	C. S. Pitt, Prohibition	A. L. Cowell, Democratic	H. P. Flannery, Prohibition and Democratic	O. C. Tappett, Democratic	O. C. Tappett, Prohibition	L. L. Williams, Prohibition and Democratic	Thomas Fox, Democratic	Seaton
	355									54
80	20							2		17
	8									27
										22
		1								1
	40	1								27
	14	1						33		
	83	10	2							105
1	1	1								14
1	68									
										8
										2
1	10									6
1	19							7		11
1	4									3
	532	141								588
	14									5
										9
	17									3
	19									12
								1		8
										3
		1			9			2		8
	2									29
3	22									34
	6									15
	65	5				21		6		1
	6	3								11
	1									9
	47					30	3			10
	36								4	
1	9									17
	86							3		28
	199				124	40				
52	835			283						341
1	45	2						61		15
										25
21	10							1		47
	15							3		15
	70	19						131		112
	23	2								4
4										9
1	1									20
4										
9	34									
11	24	4				1				86
	19							2		20
4	4									
	47	2						14		25
	26									13
	7									17
	3	2	1							30
2								21		7
148	2,439	200	3	283	174	92	2	225	4	1,895

I, C. F. CURRY, Secretary of State of the State of California, do hereby certify the foregoing to be a true and correct statement of the vote cast for candidates for United States Senator at the direct primary election held in the State of California on Tuesday, August 16, 1910, said statement of the vote having been compiled by me from the election returns made to the Secretary of State's office by the county clerks and registrars of voters of California.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of California, this 31st day of December, A. D. 1910.

[SEAL.]

C. F. CURRY, Secretary of State

ANNOUNCEMENT BY THE PRESIDENT.

The President announced the receipt of the documents in the contest of Thomas M. Searcy for the seat of Senator Daniel P. Regan of the Eighteenth Senatorial District.

MOTION

On motion of Senator Boynton, the documents were referred to the Committee on Elections and Election Laws, hereafter to be appointed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Gates:

Resolved, That a special committee of three be appointed on contingent expenses and mileage.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that, in accordance with the above resolution, he had appointed Senators Gates, Boynton, and Sanford as a Special Committee on Contingent Expenses and Mileage.

PARTIAL REPORT OF SPECIAL COMMITTEE.

Senator Estudillo announced partial report of special committee, in accordance with provisions of Senate Concurrent Resolution No. 1 that the hour of eight o'clock P. M., January 3, 1911, be the appointed time, and the Assembly Chamber in the State Capitol, Sacramento, California, the place, where the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Senator Boynton, the President declared the Senate at recess until eleven o'clock and thirty minutes A. M.

RECONVENED.

At eleven o'clock and thirty minutes A. M., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Relative to canvassing returns of election of Governor and Lieutenant Governor.

L. B. MALLORY, Chief Clerk.

CONSIDERATION OF JOINT RESOLUTION.

Senator Bell moved that the rules be suspended and that Assembly Concurrent Resolution No. 1 be taken up for immediate consideration.
Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 1

Relative to the opening and publishing returns of the election for Governor and Lieutenant Governor.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session in the assembly chamber at 2 o'clock in the afternoon of this day, January 3, 1911, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Concurrent resolution read and adopted.

Resolution ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Wolfe, the President pro tem. declared the Senate at recess until one o'clock and fifty-five minutes P. M.

RECONVENED.

At one o'clock and fifty-five minutes P. M., the Senate reconvened Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

OATH OF OFFICE ADMINISTERED.

Senators-elect Caminetti and Cartwright, being present, came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by Senator A. E. Boynton, President pro tem. of the Senate:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

RECESS.

At one o'clock and fifty-eight minutes P. M., the President pro tem. declared the Senate at recess for the purpose of meeting with the Assembly in joint convention.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER.

Tuesday, January 3, 1911.

At two o'clock P. M. the Senate and Assembly met in Joint Convention. Senator A. E. Boynton, President pro tem. of the Senate, directed the Secretary of the Senate to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Escondido, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

The President declared a quorum of the Senate present.

Hon. A. H. Hewitt, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchew, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Prosser, Randall, Rindinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

The Speaker declared a quorum of the Assembly present.

REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant Governor, as follows:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant Governor shall be disqualified from holding any other office except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant Governor, the clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must as soon as the statement of the vote of his county is made out and entered upon the records of the boards of supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, postpaid, in the post office.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who hands over; and the person to whom it is so directed must deposit it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received, and were now at the desk.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed as tellers, on the part of the Assembly, Messrs. Bliss and Kehoe.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Walker and Cartwright.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported:

FOR GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Governor of the State of California was announced as follows:

Hiram W. Johnson	177,191
Theodore A. Bell	154,835
J. Stitt Wilson	47,819
Simeon Pease Meads	5,807

Whereupon the Speaker of the Assembly declared that Hiram W. Johnson had been elected Governor of the State of California.

FOR LIEUTENANT GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Lieutenant Governor of the State of California was announced as follows:

Albert J. Wallace	168,145
Timothy Spellacy	153,364
Fred C. Wheeler	45,830
M. W. Atwood	5,592

Whereupon the Speaker of the Assembly declared Albert J. Wallace had been duly elected Lieutenant Governor of the State of California.

RESOLUTION.

Senator Estudillo offered the following resolution, and moved its adoption:

Resolved, That the hour of eight o'clock p. m., on Tuesday, January 3, 1911, be appointed the time when, and the Assembly Chamber in the State Capitol, Sacramento, California, the place where, the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both houses of the Legislature in joint convention assembled, as required in and by Section 905 of the Political Code.

That the Joint Committee on Inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant Governor-elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Resolution read, and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read, and approved.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., the President pro tem. of the Senate declared the Joint Convention adjourned until eight o'clock P. M. of Tuesday, January 3, 1911.

IN SENATE.

RECONVENED.

At three o'clock and twenty minutes P. M. the Senate reconvened.

Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

SENATOR WOLFE IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator Wolfe of the Twenty-first District, in the chair.

RESOLUTION.

The following resolution was offered.

By Senator Thompson:

Resolved, That a special committee of three members be appointed by the President of the Senate to propose and present Standing Rules of the Senate for the thirty-ninth session of the Legislature.

Resolution read, and adopted.

APPOINTMENT OF COMMITTEE.

Senator Wolfe, of the Twenty-first District, in the chair, appointed as the special committee to propose and present Standing Rules of the Senate for the thirty-ninth session of the Legislature, Senators Thompson, Lewis, and Stetson.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received, and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 3, 1911.

MR. PRESIDENT: Your committee on Contingent Expenses and Mileage beg to report as follows:

We find the following to be entitled to the sum set opposite their respective names:

Officers.	Mileage.	Amount.
President—Warren R. Porter-----	358	\$35 80
Secretary—Lewis A. Hilborn-----	180	18 00
Minute Clerk—W. H. Wright-----	918	91 80
Sergeant-at-Arms—J. Louis Martin-----	168	16 80

Dist.	Senator.	Address	Mileage	Amount
30	Avey, J. L.	Redlands	1006	\$100 60
24	Beban, D. J.	San Francisco	180	18 00
36	Bell, C. W.	Pasadena	914	91 40
7	Bills, Chas. B.	Sacramento	2	20
3	Birdsall, E. S.	Auburn	74	7 40
28	Black, Marshall	Palo Alto	246	24 60
6	Boynton, A. E.	Oroville	172	17 20
30	Bryant, E. F.	San Francisco	180	18 00
25	Burnett, Lester G.	San Francisco	180	18 00
10	Caminetti, A.	Jackson	118	11 80
31	Campbell, A. E.	San Luis Obispo	686	68 60
26	Cartwright, Geo. W.	Fresno	338	33 80
22	Cassidy, John J.	San Francisco	180	18 00
12	Curtin, J. B.	Sonora	250	25 00
1	Cutten, Charles P.	Eureka	624	62 40
39	Estudillo, Miguel	Riverside	1024	102 40
17	Finn, Thos. F.	San Francisco	180	18 00
34	Gates, Lee C.	Los Angeles	894	89 40
14	Hans, George J.	Fruitvale	174	17 40
23	Hare, John P.	San Francisco	180	18 00
38	Hewitt, Leslie R.	Los Angeles	894	89 40
29	Holohan, James B.	Watsonville	358	35 80
37	Hurd, H. M.	Los Angeles	894	89 40
8	Juilliard, L. W.	Santa Rosa	180	18 00
32	Larkins, E. O.	Visalia	412	41 20
11	Lewis, John T.	Stockton	96	9 60
9	Martinelli, E. B.	San Rafael	210	21 00
18	Regan, D. P.	San Francisco	180	18 00
33	Roseberry, Louis H.	Santa Barbara	920	92 00
5	Rush, Benj. F.	Suisun	82	8 20
4	Sanford, J. B.	Ukiah	300	30 00
2	Shanahan, T. W. H.	Redding	342	34 20
15	Stetson, John W.	Oakland	168	16 80
13	Strobridge, Ed K.	Hayward	196	19 60
35	Thompson, Newton W.	Alhambra	906	90 60
16	Tyrrell, Edward J.	Oakland	168	16 80
27	Walker, Geo. S.	East San Jose	256	25 60
19	Welch, Richard J.	San Francisco	180	18 00
21	Wolfe, Edward L.	San Francisco	180	18 00
40	Wright, Leroy A.	San Diego	1146	114 60

Resolved, That the State Controller be, and he is hereby, directed and ordered to draw his warrant upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

GATES, Chairman.

Senator Gates moved the adoption of the committee report and resolution.

Motion duly seconded.

The question being on the adoption of the report and resolution.

The roll was called, and the resolution and report adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

RESOLUTION.

The following resolution was offered:

By Senator Roseberry:

Resolved, That the following-named persons be and they are hereby appointed to the respective positions, as provided by law, with compensations set opposite their

names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective amounts, and the Treasurer is directed to pay the same:

Fred R. Estes	Assistant at the Desk	\$5 00
Theodore Lafayette	Assistant Minute Clerk	6 00
George M. Taylor	Assistant Minute Clerk	6 00
Frank J. Fitzpatrick	Assistant Minute Clerk	6 00
George Bell	Journal Clerk	6 00
Wallace Collins	Assistant Journal Clerk	5 00
Samuel Wacholder	Assistant Sergeant-at-Arms	5 00
George W. Conart	Assistant Sergeant-at-Arms	5 00
Gertrude Simonds	Stenographer	5 00
Mrs. Florentine Hoxie	Stenographer	5 00
William Durkin	Stenographer	5 00
R. E. Hanshaw	Stenographer	5 00
Mae Mudd	Stenographer	5 00
Mrs. D. Nepp	Stenographer	5 00
Miss Hazel Gibbs	Assistant Postmistress	4 00
Mrs. Ola Gass	Assistant Postmistress	4 00
G. W. B. Yocum	Gatekeeper	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Finn, Hans, Hewitt, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Whereupon the President declared that the above-named statutory officers had been duly elected.

APPOINTMENT BY THE SERGEANT-AT-ARMS.

The following communication was received, and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed Joseph G. McCall to the position of Assistant Sergeant-at-Arms to the Senate for the thirty-ninth session, at a per diem of five dollars, and respectfully ask the consent of the Senate thereto.

JOSEPH L. COUGHLIN, Sergeant-at-Arms.

CONFIRMATION OF APPOINTMENT BY SERGEANT-AT-ARMS.

Senator Roseberry moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

APPOINTMENTS BY THE SECRETARY.

The following communication was received, and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed H. P. Travers and Frank Mattison to the positions of Assistant Secretary at a per diem of six dollars, and respectfully ask the consent of the Senate.

Respectfully.

WALTER N. PARRISH, Secretary of the Senate.

CONFIRMATION OF APPOINTMENTS BY SECRETARY.

Senator Boynton moved that the appointments be confirmed by the Senate.

The question being in confirmation of the appointments

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cullen, Estudillo, Hays, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Burnett, the President declared the Senate adjourned until Wednesday, January 4, 1911, at eleven o'clock A. M.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER.

Tuesday, January 3, 1911.

Pursuant to adjournment this day, the Senate and Assembly of the State of California met in Joint Convention on this day, Tuesday, January 3, 1911, at eight o'clock P. M., for the purposes set forth in the following resolution, adopted this day in Joint Convention:

RESOLUTION.

Resolved, That the hour of eight o'clock P. M. of Tuesday, January 3, 1911, be appointed the time when, and the Assembly Chamber of the State Capitol, Sacramento, California, the place where, the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the Joint Committee on Inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant Governor-elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Senator A. E. Boynton, President pro tem. of the Senate, and Hon. A. H. Hewitt, Speaker of the Assembly, presiding.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hays, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

The acting President declared a quorum of the Senate present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullaly, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

The Speaker declared a quorum of the Assembly present.

ORDER OF BUSINESS.

The following was the order of business followed:

INAUGURAL CEREMONIES.

1. Call to order of the Assembly by the Speaker, Hon. A. H. Hewitt.
2. Announcement of the arrival of the Senate at the bar of the House.
3. Call to order of the Joint Assembly of the Legislature of the State of California by Hon. A. E. Boynton, President pro tem. of the Senate.
4. Roll call of the Senate by Secretary Walter N. Parrish.
5. Roll call of the Assembly by Chief Clerk L. B. Mallory.
6. National airs, orchestra.
7. Hon. M. Estudillo, chairman of the Joint Legislative Committee on Inaugural Ceremonies, announces the presence of the committee with retiring Governor Hon. James N. Gillett, the incoming Governor, Hon. Hiram W. Johnson, the retiring Lieutenant Governor, Hon. Warren R. Porter, the incoming Lieutenant Governor, Hon. A. J. Wallace, and State officers.
8. Invocation, Rev. Father Henry H. Wyman, Chaplain of the Senate.
9. "America," double quartet.
10. Introduction of Governor James N. Gillett by the Speaker of the Assembly.
11. Address, Governor James N. Gillett.
12. Administration of oath of office to Hon. Hiram W. Johnson, incoming Governor, by Hon. E. C. Hart, Justice of the Third District Court of Appeal.
13. "Hail to the Chief!" orchestra.
14. Introduction of Governor Hiram W. Johnson by Hon. A. E. Boynton, President pro tem. of the Senate.
15. Inaugural address.
16. Keller's "American Hymn," double quartet.
17. Administration of oath of office to incoming Lieutenant Governor.
18. Introduction of Lieutenant Governor A. J. Wallace by Hon. A. E. Boynton, President pro tem. of the Senate.
19. Remarks by the Lieutenant Governor.
20. Reading of minutes of the Joint Convention by the Secretary of the Senate, Walter N. Parrish.
21. Approval of the minutes.
22. "Star Spangled Banner," double quartet.
23. Benediction, Rev. F. K. Baker, Chaplain of the Assembly.
24. Adjournment of Joint Assembly.
25. Selection, orchestra.
26. Escort of Governor Hiram W. Johnson to the office of Chief Executive by Joint Legislative Committee on Inaugural Ceremonies.
27. Governor's salute at Capitol grounds.

REPORT OF JOINT COMMITTEE.

Senator Estudillo, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House and announced to the Speaker of the Assembly the presence of His Excellency Governor James N. Gillett, Hon. Hiram W. Johnson, Governor-elect, and Lieutenant Governor Warren R. Porter, and Hon. Albert J. Wallace, Lieutenant Governor-elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. Father H. H. Wyman.

ADDRESS BY GOVERNOR JAMES N. GILLETT.

Upon invitation by the Speaker of the Assembly, Governor James N. Gillett addressed the Joint Assembly.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. E. C. Hart, Justice of the Third District Court of Appeal of the State of California, administered the oath of office to Governor-elect Hiram W. Johnson, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability.

ADDRESS BY GOVERNOR HIRAM W. JOHNSON.

Governor Hiram W. Johnson was presented to the Joint Assembly by Hon. A. E. Boynton, President pro tem. of the Senate, and he proceeded to address the Joint Assembly.

PRESENTATION OF LIEUTENANT GOVERNOR.

Hon. A. E. Boynton, President pro tem. of the Senate, introduced to the Joint Assembly the Hon. Albert J. Wallace, Lieutenant Governor-elect of the State of California.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. E. C. Hart, Justice of the Third District Court of Appeal, administered the oath of office to Lieutenant Governor-elect Hon. Albert J. Wallace, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant Governor according to the best of my ability.

ADDRESS BY LIEUTENANT GOVERNOR ALBERT J. WALLACE.

The Lieutenant Governor, Albert J. Wallace, addressed the Joint Assembly.

READING AND APPROVAL OF MINUTES.

Minutes of the Joint Convention were read and approved.

BENEDICTION.

Benediction by Rev. F. K. Baker, Chaplain of the Assembly.

ADJOURNMENT.

There being no further business, at nine o'clock and thirty minutes P. M. the President of the Senate adjourned the Joint Convention without day.

IN SENATE.

SENATE CHAMBER.

Wednesday, January 4, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 3, 1911, the further reading was dispensed with, on motion of Senator Estudillo.

PETITION.

A petition signed by Veritas Vincit, protesting against the granting of suffrage to women was presented.

MOTION.

On motion of Senator Stetson, the petition was received and ordered filed.

RESOLUTIONS.

The following resolutions were offered:

By Senator Thompson:

Resolved, That the following shall be the standing committees of the Senate of the thirty-ninth session of the Legislature, and the same shall be appointed by the President of the Senate:

1. Agriculture, Dairying, Fruit and Vine Interests, seven members.
2. Apportionment and Representation, seventeen members.
3. Banking, nine members.
4. Commerce and Navigation, seven members.
5. Contingent Expenses, three members.
6. Corporations, eleven members.
7. County Government, seven members.
8. Drainage, Swamp and Overflowed Lands, seven members.
9. Education, thirteen members.
10. Elections and Election Laws, eleven members.
11. Engrossment and Enrollment, three members.
12. Executive Communications, five members.
13. Federal Relations, five members.
14. Finance, twenty-one members.
15. Fish and Game, thirteen members.
16. Hospitals and Asylums, eleven members.
17. Irrigation, nine members.
18. Judiciary, twenty members.
19. Labor, Capital and Immigration, seven members.
20. Manufactures and Internal Improvements, five members.
21. Military Affairs, five members.
22. Mining and Oil Industries, seven members.
23. Municipal Corporations, seven members.
24. Printing, five members.
25. Prisons and Reformatories, nine members.
26. Public Buildings and Grounds, five members.
27. Public Health and Quarantine, five members.
28. Public Morals, five members.
29. Revenue and Taxation, eleven members.
30. Roads and Highways, eleven members.
31. Rules, five members.

Resolution read, and adopted.

MOTION.

On motion of Senator Birdsall, the Inaugural Address of Governor Hiram W. Johnson was ordered printed in the Journal.

Motion carried.

INAUGURAL ADDRESS.

In the political struggle from which we have just emerged the issue was so sharply defined and so thoroughly understood that it may be superfluous for me to indicate the policy which in the ensuing four years will control the executive department of the State of California. The electorate has rendered its decision, a decision conclusive upon all its representatives; but while we know the sort of government demanded and decreed by the people, it may not be amiss to suggest

the means by which that kind of administration may be attained and continued. "Successful and permanent government must rest primarily on recognition of the rights of men and the absolute sovereignty of the people. Upon these principles is based the superstructure of our republic. Their maintenance and preservation measure the life of the republic." It was upon this theory that we undertook originally to go to the people; it was this theory that was adopted by the people; it is upon this theory, so far as your Executive is concerned, that this government shall be henceforth conducted. The problem first presented to us, therefore, is how best can the government be made responsive to the people alone? Matters of material prosperity and advancement, conservation of resources, development of that which lies within our borders, are easy of solution when once the primal question of the people's rule shall have been determined. In some form or other nearly every governmental problem that involves the health, the happiness, or the prosperity of the State has arisen, because some private interest has intervened or has sought for its own gain to exploit either the resources or the politics of the State. I take it, therefore, that the first duty that is mine to perform is to eliminate every private interest from the government, and to make the public service of the State responsive solely to the people. The State is entitled to the highest efficiency in our public service, and that efficiency I shall endeavor at all times to attain. It is obvious that the requisite degree of efficiency can not be attained where any public servant divides his allegiance between the public service and a private interest. Where under our political system, therefore, there exists any appointment of the Governor who is representing a political machine or a corporate entity that has been devoting itself in part to our politics, that appointee will be replaced by an official who will devote himself exclusively and solely to the service of the State. In this fashion, so far as it can be accomplished by the Executive, the government of California shall be made a government for the people. If there are in existence now any appointees who represent the system of politics which has been in vogue in this State for many years and who have divided their allegiance between the State and a private interest of any sort, or if there be in existence any Commission of like character, and I can not alone deal with either, then I shall look to the Legislature to aid me in my design to eliminate special interests from the government, and to require from our officers the highest efficiency and an undivided allegiance; and I shall expect such legislative action to be taken as may be necessary to accomplish the desired result.

In pursuing this policy, so long as we deal only with the ward-heeler who holds a petty official position as a reward for political service, or with the weak and vacillating small politician, we will have the support and indeed the commendation of all the people and all the press; but as we go a little higher, with firm resolve and absolute determination, we will begin to meet with opposition here and there to our plan, and various arguments, apparently put forth in good faith for the retention of this official or that, will make their appearance; and finally when we reach, if we do, some representative, not only of the former political master of this State, the Southern Pacific Company, but an apostle of "big business" as well (that business that believes all government is a mere thing for exploitation and private gain), a storm of indignation will meet us from all of those who have been parties to or partisans of the political system that has obtained in the past; and particularly that portion of the public press which is responsive to private interest and believes that private interest should control our government, will, in mock indignation and pretended horror, cry out against the desecration of the public service and the awful politics which would permit the people to rule. Much, doubtless, will be said of destructiveness, of abuse of power, of anarchistic tendencies and the like, and of the astounding and incomparable fitness of him who represents "big business" to represent us all. And in the end it may be that the very plan, simple, and direct to which we have set ourselves in this administration will be wholly distorted, and will be understood only by those who, with a singleness of purpose, are working for a return of popular government in California.

It matters not how powerful the individual may be who is in the service of the State, nor how much wealth and influence there may be behind him, nor how strenuously he may be supported by "big business" and by all that has been heretofore powerful and omnipotent in our political life, if he be the representative of Southern Pacific politics, or if he be one of that class who divides his allegiance to the State with a private interest and thus impairs his efficiency, I shall attack him, and I shall strive in respect to such an one in exactly the same way as with his weaker and less powerful accomplices. I prefer, as less dangerous to society, the political thug of the water front to the smugly respectable individual in broadcloth of pretended respectability who, from ambush, employs and uses that thug for his selfish political gain.

In the consummation of our design at last to have the people rule, we shall go forward, without malice or hatred, not in animosity or personal hostility, but calmly, coolly, pertinaciously, unswervingly and with absolute determination, until the public service reflects only the public good and represents alone the people.

THE INITIATIVE, REFERENDUM, AND RECALL.

When, with your assistance, California's government shall be composed only of those who recognize one sovereign and master, the people, then is presented to us the

question of how best can we arm the people to protect themselves hereafter? If we can give to the people the means by which they may accomplish such other reforms as they desire, the means as well by which they may prevent the misuse of the power temporarily centralized in the Legislature, and an admonitory and precautionary measure which will ever be present before weak officials, and the existence of which will prevent the necessity for its use, then all that lies in our power will have been done in the direction of safeguarding the future and for the perpetuation of the theory upon which we ourselves shall conduct this government. This means for accomplishing other reforms has been designated the "Initiative and the Referendum," and the precautionary measure by which a recalcitrant official can be removed is designated the "Recall." And while I do not by any means believe the initiative, the referendum, and the recall are the panacea for all our political ills, yet they do give to the electorate the power of action when desired, and they do place in the hands of the people the means by which they may protect themselves. I recommend to you, therefore, and I most strongly urge, that the first step in our design to preserve and perpetuate popular government shall be the adoption of the initiative, the referendum, and the recall. I recognize that this must be accomplished, so far as the State is concerned, by constitutional amendment. But I hope that at the earliest possible date the amendments may be submitted to the people, and that you take the steps necessary for that purpose. I will not here go into detail as to the proposed measures. I have collected what I know many of your members have,—the various constitutional amendments now in force in different states,—and at a future time, if desired, the detail to be applied in this State may be taken up. Suffice it to say, so far as the recall is concerned, did the solution of the matter rest with me, I would apply it to every official. I commend to you the proposition that, after all, the initiative and the referendum depend on our confidence in the people and in their ability to govern. The opponents of direct legislation and the recall, however they may phrase their opposition, in reality believe the people can not be trusted. On the other hand, those of us who espouse these measures do so because of our deep-rooted belief in popular government, and not only in the right of the people to govern, but in their ability to govern; and this leads us logically to the belief that if the people have the right, the ability and the intelligence to elect, they have as well the right, ability and intelligence to reject or to recall; and this applies with equal force to an administrative or a judicial officer. I suggest, therefore, that if you believe in the recall, and if in your wisdom you desire its adoption by the people, you make no exception in its application. It has been suggested that by immediate legislation you can make the recall applicable to counties without the necessity of constitutional amendment. If this be so, and if you believe in the adoption of this particular measure, there is no reason why the Legislature should not at once give to the counties of the State the right which we expect to accord to the whole State by virtue of constitutional amendment. Were we to do nothing else during our terms of office than to require and compel an undivided allegiance to the State from all its servants, and then to place in the hands of the people the means by which they could continue that allegiance, with the power to legislate for themselves when they desired, we would have thus accomplished perhaps the greatest service that could be rendered our State. With public servants whose sole thought is the good of the State the prosperity of the State is assured, exaction and extortion from the people will be at an end, in every material aspect advancement will be ours, development and progress will follow as a matter of course, and popular government will be perpetuated.

THE RAILROAD QUESTION.

For many years in the past shippers, and those generally dealing with the Southern Pacific Company, have been demanding protection against the rates fixed by that corporation. The demand has been answered by the corporation by the simple expedient of taking over the government of the State; and instead of regulation of the railroads, as the framers of the new Constitution fondly hoped, the railroad has regulated the State.

To Californians it is quite unnecessary to recall the motives that actuated the framers of the new Constitution when Article XII was adopted. It was thought that the Railroad Commission thereby created would be the bulwark between the people and the exactions and extortions and discriminations of the transportation companies. That the scheme then adopted has not proved effective has become only too plain. That this arose because of the individuals constituting the Railroad Commission, is in the main true, but it is also apparent there has been a settled purpose on the part of the Southern Pacific Company not only to elect its own Railroad Commission, but also whenever those Commissioners made any attempt, however feeble, to act, to arrest the powers of the Commission, and to have those powers circumscribed within the narrowest limits. All of us who recall the adoption of the new Constitution will remember that we then supposed the most plenary powers were conferred upon the Commission. It has been gravely asserted of late, however, by those representing the Railroad Company, and they insist that in the decisions of our courts there is foundation for the assertion, that the Constitution does not give the Commission power to fix absolute rates. In my opinion this power is conferred upon the Commission, and

in this I am upheld by the Attorney General of the State, and by the very able and eminent attorneys who represent the various traffic associations.

The people are indeed fortunate now in having a Railroad Commission of ability, integrity, energy, and courage. I suggest to you, and I recommend, that you give to the Commission the amplest power that can be conferred upon it. The President of the Railroad Commission, Mr. John M. Eishleman, in consultation with Attorney General Webb, Senator Stetson, and others, in all of whom we have the highest confidence, has been at work preparing a bill which shall meet the requirements of the case, and I commend to your particular attention this instrument.

I would suggest that an appropriation of at least \$75,000 be made for the use of the Commission that it may, by careful hearing and the taking of evidence, determine the physical value of the transportation companies in the State of California, and that the Commission may have the power and the means to determine this physical value justly and fairly, and thereafter ascertain the value of improvements, betterments and the like, and upon the values thus determined may fix the railroad rates within the State of California.

It is asserted that some ambiguity exists in that portion of the language of Section 22 of Article XII of the Constitution, which fixes the penalty when any railroad company shall fail or refuse to conform to rates established by the Commission or shall charge rates in excess thereof, and it is claimed that the use of the last phrase "or shall charge rates in excess thereof" excludes the power to punish discrimination by the railroad companies. The rational construction of the language used can lead to no such conclusion; but if you believe there is any ambiguity in the constitutional provision as it now exists, or any doubt of the power conferred by it upon the Railroad Commission, I would suggest that this matter be remedied by a constitutional amendment. In no event, however, should action be deferred in reference to needed legislation and that herein suggested. It is not unlikely that the ingenuity of those who represent the railroad companies will pretend, and find some advocates in this, that all legislative action should await the amendment of the Constitution. I trust that you will not permit this specious plea to prevail, but that you will at once accord the power to the Commission that is designed by the bill referred to.

I beg of you not to permit the bogie man of the railroad companies, "Unconstitutionality," to deter you from enacting the legislation suggested, if you believe that legislation to be necessary; and I trust that none of us will be terrified by the threat of resort to the courts that follows the instant a railroad extortion is resorted to attempted to be remedied. Let us do our full duty, now that at last we have a Railroad Commission that will do its full duty, and let us give this Commission all the power and aid and resources it requires; and if, thereafter, legitimate work done within the law and the Constitution shall be nullified, let the consequences rest with the nullifying power.

AMENDMENT OF DIRECT PRIMARY LAW.

California took a long step toward popular government when the direct primary law was enacted. The first experiment under the direct primary law has been made, and despite the predictions of the cynical and the critical, the law has been a success and has come to stay. It may, however, be improved in many respects, and so recent has been the discussion of the minor imperfections of the act that they are familiar to us all; and I think the desire is general to remedy those defects. When the law shall have been amended and its imperfections corrected, and when it shall have been made less difficult for one to become a candidate for public office (and this should be one of the designs of amendment, I think), the important question of dealing with the candidacy for United States Senator remains. Of course, the Constitution of the United States requires that United States Senators shall be elected by state legislatures. Notwithstanding the popular demand expressed now for a quarter of a century that United States Senators should be elected by direct vote of the people, we have been unable to amend the Federal Constitution; but the people in more than half the states are striving to effect the same result by indirection. The result that our people, in common with those of most of the states, are seeking is to have the people themselves elect United States Senators. I do not think it is extravagant to say that nine electors out of ten in California desire the electorate directly to choose United States Senators, and if they possessed the power they would remove the selection wholly from the Legislature. The present primary law in its partisan features does not attain the desired result. And the present law, in its provision relating to United States Senators, is at variance with the wishes of an overwhelming majority of our people. Some of those who desire direct election may wish a selection made by parties, while others would eliminate all partisan features in such an election; yet all wish a selection by the whole State by plurality; and the present provisions of the primary law meet with the approval of none who really wish the election of United States Senator by direct vote. I suggest to you, therefore, that the present law be amended so that there be a state-wide advisory vote upon United States Senator; and the logical result of a desire to elect United States Senators by direct vote of the people is that that election shall be of any person who may be a candidate, no matter what party he may be affiliated with. For that reason I favor the Oregon plan, as it is termed, whereby the candidate for this office, as for any other

office may be voted for, and by which the candidate receiving the highest number of votes may be ultimately selected. If, in your wisdom, you believe we should not go to the full extent expressed in my views, then, in any event, the primary law should make the vote for the United States Senator state-wide and the vote of the whole State, irrespective of districts, controlling.

SHORT BALLOT.

The most advanced thought in our nation has reached the conclusion that we can best avoid blind voting and best obtain the discrimination of the electorate by a short ballot. A very well known editor in our State, during a recent lecture at Stanford University, challenged the faculty of that great institution to produce a single man who had cast an intelligent vote for the office of State Treasurer, and none was produced. Fortunately, our State Treasurer is the highest type of citizen and official. The reason the challenge could not be met was that, in the hurry of our existence and in the engrossing importance of the contests for one or two offices, we can not or do not inform ourselves sufficiently regarding the candidates for minor offices. Again, we elect some officials whose duties are merely clerical or ministerial, and whose qualifications naturally can not be well understood. Of course, it is undesirable and indeed detrimental, that we should elect officials of whom we know nothing and concerning whom the electorate can not learn and can not discriminate. It is equally undesirable that those occupying merely clerical positions should be voted for by the entire electorate of the State. The result of a long ballot is that often candidates for minor offices are elected who are unfit or unsatisfactory. This conclusion, I think, has been reached by students, and the farseeing in every state in the Union. If we can remedy this condition it is our duty to do so, and it is plain that the remedy is by limiting the elective list of offices to those that are naturally conspicuous. One familiar with the subject recently said: "The little offices must either go off the ballot and be appointed, no matter how awkwardly, or they must be increased in real public importance by added powers until they rise into such eminence as to be visible to all the people. That candidates should be conspicuous is vital. The people must be able to see what they are doing; they must know the candidates, otherwise they are not in control of the situation, but are only going through the motions of controlling."

The Supreme Court of the State has asked that the Clerk of the Supreme Court, now elective, shall be made appointive. It is eminently just that this should be so. It is quite absurd that the people of an entire state should be called upon to vote for a clerk of the Supreme Court. The office of State Printer is merely administrative. Presumably, an expert printer is selected to fill this position, and in the selection of an expert, no reason at all exists for the entire electorate selecting that particular expert. The Surveyor General, likewise, performs merely ministerial duties, presumably is only an expert, and his selection should be by appointment rather than election. The Superintendent of Public Instruction, an expert educator, is in the same category. The government of the United States is conducted with all of its departments with only two elective officers, the President and Vice-President. The President has surrounding him a Cabinet, the members of which perform all of the duties that are ministerial in character. The Treasurer of the State of California performs duties akin to those of the Secretary of the Treasury of the United States. He does nothing initiative in character, and his office could better be filled by appointment than election. The Secretary of State is in reality merely the head clerk of the State, and as a clerk of the Supreme Court may be better selected by the Supreme Court itself; so the Secretary of State, as the chief clerk of the State, may be better selected by the head of the State. The Attorney General could, in like fashion, be appointed, and if so, indeed, his office could be made the general office of all legal departments of the State. Every attorneyship of the State that now exists, of commissions, and boards, and officials, could be put under his control, and a general scheme of State Legal Department could thus be successfully evolved—a department economical, efficient, and permanent, and even non-partisan in its character, if desired.

Were these various officials appointed by the Governor, the chief officer of the State could surround himself with a cabinet like the cabinet of the Chief Executive of the nation, and a more compact, perhaps more centralized and possibly a more efficient government, established. I would leave the Controller an elective officer because, theoretically at least, the Controller is a check upon the other officials of the State, and thus should be independent. Were these suggestions carried out, the State ballot would consist of a Governor, Lieutenant Governor, Controller, members of the Judiciary, and members of the Legislature. Of course, any change we might make as herein suggested could not operate upon officials now in office or during any of our terms.

I recognize that the reform here suggested is radical and advanced, but I commend it to your careful consideration.

OTHER BALLOT REFORM.

All of the parties in the State of California are committed to the policy of restoring the Australian ballot to its original form; and, therefore, I merely call to your attention that restoration as one of the duties that devolves upon us because of party pledges.

NON-PARTISAN JUDICARY

And the reform of the Assessor's office in the form which first was adopted in this State provides an even more far-reaching reform of the practice that have been made in respect to gubernatorial elections. With due regard to the interests, and with the stamp of the constitution for their reform immediately under the designation of the office, when upon the next the bill of the Judiciary is enacted, the names of all the candidates may be printed without any party designation following those names; and in this manner all of the candidates for judicial positions will be presented to the people with nothing to identify the political parties with which they have been affiliated.

COUNTY BOARD RULE

One of the most vexatious subjects with which legislatures have to deal in respect to classification, taxation, etc., is the county question. The absorbing amount of time occupied by our Legislature in county government bills can only be understood by those who have been dealing with legislative work. I quote from a report by Controller Nye upon the subject:

The first Legislature after the adoption of the Constitution commenced by making five changes of counties, which number was increased to more than forty, and at the present time there are fifty-eight changes, exactly equaling the number of counties.

If there were no other evidence of the folly of trying to legislate on county matters by general laws, one would be convincing. But the change of these general laws to meet the supposed needs of different counties has been incessant. In the legislative session of 1905 there were forty-five amendments to the county portions of the laws enacted; in 1907 there were fifty-seven such amendments, and in some cases more than existing, and in 1909 there were fifty.

So great are the evils of this form of legislation that we have the only permanent remedy for them to be the submission and adoption of an amendment which will permit each county, proceeding along the same general lines as those prescribed for cities, to draft its own county government not subject to amendment by the Legislature. The amendment should enumerate the subjects which may be embraced in these county government acts or county charters, so framed and they should include the number and composition of officers, the apportioning of salaries of these, the determination whether the county board of supervisors shall be elected by districts or at large, also the determination whether other county officers shall be elected or appointed, and such other similar matters of local concern as will not interfere with the operation of the general plan of State Government.

I quite agree with the views expressed by our Controller, and adopt his recommendation. It is but just and proper that counties should rule themselves just as cities do, and if this be accomplished we will have succeeded in taking from the Legislature perhaps a most vexatious subject, and one with which at times we it can not deal affrontingly with intelligence, and we will have added to the Legislature and the State the immense amount of time that is now expended by the Legislature upon the subject. Of course, care must be exercised to see that practical uniformity is preserved.

CIVIL SERVICE AND THE MERIT SYSTEM

In the first subject with which I have dealt, I stated shortly my attitude in regard to public service. The often it has occurred that appointments to the public service have been made solely because of personal influences or as a reward for political services. It is a design of the present administration to put in force the merit system, and it is one kind of reform that seems to me one of a civil service enactment. The committee recently appointed by the Republican State Central Committee presented an act covering the subject, which I commend to you.

CONSERVATION

In the abstract all agree upon the policy of conservation. It is only when we deal with conservation in the concrete that the enforcement of the doctrine enunciated originally by Gifford Pinchot and Theodore Roosevelt, that we find opposition. Conservation means development, but development and preservation; and it would seem that no argument should be required on the question of preserving, so far as we may, for all of the people, those things which naturally belong to all. The great natural wealth of water in this State has been permitted, under our existing laws and lack of system, to be misappropriated, and to be held to the great disadvantage of its economical development. The present laws in this respect should be amended. If it can be demonstrated that claims are wrongfully or illegally held, those claims should revert to the State. A rational and equitable code and method of procedure for water conservation and development should be adopted.

REFORMATORY FOR FIRST OFFENDERS.

Humanity requires that we should provide a reformatory for first offenders. All of us are agreed upon this matter, and your wisdom will determine the best mode of its consummation.

EMPLOYERS' LIABILITY LAW.

Upon the righteousness of an Employers' Liability Law, no more apt expression can be found than that of ex-President Roosevelt on last Labor Day. He said:

"In what is called 'Employers' Liability' legislation, other industrial countries have accepted the principle that the industry must bear the monetary burden of its human sacrifices, and that the employee who is injured shall have a fixed and definite sum. The United States still proceeds on an outworn and curiously improper principle, in accordance with which it has too often been held by the courts that the frightful burden of the accident shall be borne in its entirety by the very person least able to bear it. Fortunately, in a number of states—in Wisconsin and in New York, for instance—these defects in our industrial life are either being remedied or else are being made a subject of intelligent study, with a view to their remedy."

In this State all parties stand committed to a just and adequate law whereby the risk of the employment shall be placed not upon the employee alone, but upon the employment itself. Some new legal questions will be required to be solved in this connection, and the fellow servant rule now in vogue in this State will probably be abrogated, and the doctrine of contributory negligence abridged. It is hoped that those in our State who have given most study to this subject will soon present to you a comprehensive bill, and when this shall have been done the matter will again be made a subject of communication by me.

I have purposely refrained to-day from indulging in panegyrics upon the beauty, grandeur, wealth and prosperity of our State; or from solemnly declaring that we will foster industries, and aid in all that is material. It goes without saying that, whatever political or other differences may exist among our citizens, all are proud of California, its unbounded resources, its unsurpassed scenic grandeur, its climatic conditions that compel the wondering admiration of the world; and all will devotedly lend their aid to the proper development of the State, to the protection and preservation of that which our citizens have acquired, and that which industrially is in our midst. Ours, of course, is a glorious destiny, to the promotion and consummation of which we look forward with pride and affection, and to which we pledge our highest endeavor. Hand in hand with that prosperity and material development that we foster, and that will be ours practically in any event, goes political development. The hope of governmental accomplishment for progress and purity politically is with us in this new era. This hope and wish for accomplishment for the supremacy of the right and its maintenance, I believe to be with every member of the Legislature. It is in no partisan spirit that I have addressed you; it is in no partisan spirit that I appeal to you for aid. Democrats and Republicans alike are citizens, and equal patriotism is in each, and your aid, your comfort, your highest resolve and endeavor, I bespeak, not as Republicans or Democrats, but as representatives of all the people of all classes and political affiliations, as patriots indeed, for the advancement and progress, and righteousness and uplift of California.

May God, in His mercy, give us strength and courage for the right.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Senator Bell:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100, for rubber stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Regan:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate, and newspaper representatives duly accredited on the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and Journals.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Hewitt:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate and Senate committees the neces-

every index letter file, and the Comptroller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Waller.

Resolved, That the Treasurer of the Senate, and each member of the Senate be, and he is hereby, allowed \$25 for postage stamps, to be paid by the Comptroller, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Holahan.

Resolved, That the Secretary of the Senate be, and he is hereby, directed to procure for the use of the Senators forty-two other books for sets of article papers.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Black.

Resolved, That the Secretary of the Senate is authorized and directed to transmit stationery to the standing committees of the Senate; that resolution in the Secretary of the Senate for such stationery be limited to \$20 each for the committees on Finance and Judiciary, and \$15 each for all other standing committees, such limitations a requirement to be signed by the Chairman thereof.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Cassidy.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to rent typewriting machines for the use of the stenographers and compilers in the Senate, and the Comptroller of State is authorized to draw his warrant for the amount of the rental, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Juilliard.

Resolved, That the Sergeant at Arms of the Senate, or the Bookkeeper in the Sergeant at Arms, and he is hereby, authorized and authorized to issuing to the Comptroller for all warrants for payment of salaries, officers, and members of the Senate.

Resolution read, and adopted.
By Senator Birdsall.

Resolved, That two thousand copies of the Journal of the Senate of Governor Hiram W. Johnson be ordered printed in pamphlet form, and that printed copies thereof, wrapped for mailing, be laid on the desk of each Senator.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ayer, Babson, Bell, Bliss, Brinsell, Bross, Burton, Bryant, Barnett, Campbell, Campbell, Cassidy, Eschscholtz, Gayles, Hunt, Hutton, Juilliard, Juilliard, Larkins, Lewis, McCreath, Rogers, Seaton, Sherman, Stetson, Stridbridge, Thompson, Tyrrell, Walker, Walsh, Wente, and Wright—25.

NOES—None.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Stetson, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 4, 1911.

MR. PRESIDENT: Your special Committee on Standing Rules of the Senate for the thirty-ninth session of the Legislature have had the same under consideration, and respectfully recommend the adoption of the following:

STANDING RULES OF THE SENATE.

Time of Meeting of Senate.

1. The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Monday, January 16, 1911, a recess shall be taken at 12:30 P. M. to 2 P. M. unless otherwise ordered by vote of the Senate.

Calling to Order.

2. The President, President pro tem., or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

ORDER OF BUSINESS.

3. Order of Business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Order of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

President—His Powers and Prerogatives.

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

President May Order Lobbies Cleared.

5. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

President May Call Senators to Chair.

6. The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

Appointment to Committees.

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

Standing Committees.

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture, Dairying, Fruit and Vine Interests, seven members.
2. Apportionment and Representation, seventeen members.
3. Banking, nine members.
4. Commerce and Navigation, seven members.
5. Contingent Expenses, three members.
6. Corporations, eleven members.
7. County Government, seven members.
8. Drainage, Swamp, and Overflowed Lands, seven members.
9. Education, thirteen members.
10. Elections and Election Laws, eleven members.
11. Engrossment and Enrollment, three members.

12. Executive Communications, five members.
13. Federal Relations, two members.
14. Finance, four members.
15. Fish and Game, three members.
16. Fisheries and Agriculture, seven members.
17. Industries, nine members.
18. Judiciary, three members.
19. Labor, Capital, and Immigration, seven members.
20. Manufactures and Internal Improvements, five members.
21. Military Affairs, five members.
22. Mining and Oil Industries, seven members.
23. Municipal Government, seven members.
24. Pensions, five members.
25. Prisons and Reformatories, three members.
26. Public Buildings and Grounds, five members.
27. Public Health and Quarantine, five members.
28. Public Works, five members.
29. Rivers and Fisheries, three members.
30. Roads and Highways, three members.
31. Railroads, four members.

President pro Tempore His Powers and Privileges

9. The President pro tempore is the holder of the President's office the day and night the Senate is in session at the hour of its meetings at the Senate, and holds all same power as the President; but the President pro tempore shall vote only as the other members of the Senate.

THE DUTIES OF SECRETARY

10. It shall be the duty of the Secretary of the Senate:

1. To attend every session, call the roll, read all bills, resolutions, resolutions, and all papers referred to by the Senate to its executive officers.
2. To superintend all writing and keep to be done for the Senate. To have supervision over all accounts and disbursements of the Senate. To certify as and transmit to the Assembly all bills, resolutions, and papers showing the concurrence of the Assembly, immediately after their passage or passage by the Senate.
3. To keep a correct journal of the proceedings of the Senate.
4. To notify the Assembly in the name of the Senate as the matter requiring in the Assembly, and transmit to that body the part of the Senate.
5. To perform no business or business functions of the Senate in the presence of its custody otherwise than in the regular course of business.
6. To receive, transmit, or transmit all papers and messages to their respective duties.

No Records or Papers to be Taken from Desk

11. The Secretary of the Senate shall have under his custody all papers to be taken from the desk of any of its members, by any person except a clerk or an examination, but he shall deliver and will no paper to be placed in the Superintendent of State Printing, and all bills referred to the Senate in the Committee on Engagement and Enrollment, and take their proper course.

Sergeant at Arms

12. A Sergeant at Arms shall be elected to hold his office during the session of the Senate, whose duty it shall be to attend the Senate during all of its sessions, to execute the commands of the Senate from time to time, together with all bills and orders issued by authority thereof as shall be directed to him by the President. The Sergeant at Arms is authorized to arrest, but cannot in any person, officers of the law, or in the gallery, seated engaged in any conversation, or otherwise, nothing is done to the disturbance of the Senate. The Sergeant at Arms shall have under his custody all bills and orders issued by authority thereof as shall be directed to him by the President. The Sergeant at Arms is authorized to arrest, but cannot in any person, officers of the law, or in the gallery, seated engaged in any conversation, or otherwise, nothing is done to the disturbance of the Senate. The Sergeant at Arms shall have under his custody all bills and orders issued by authority thereof as shall be directed to him by the President. The Sergeant at Arms is authorized to arrest, but cannot in any person, officers of the law, or in the gallery, seated engaged in any conversation, or otherwise, nothing is done to the disturbance of the Senate.

Printed Bills, Etc., Must be Placed on Desk

13. The Sergeant at Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when passed in the desks of Senators at least one hour previous to the opening of session.

Doorkeeper

14. It shall be the duty of the Doorkeeper to exclude all persons except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such persons as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session.

Deliberation.

15. No person engaged in presenting to the Senate of the Commonwealth any business or claim for legislation, shall be permitted to engage in such business during sessions of the Senate, or to be permitted to the floor of the Senate during its sessions. And any person transgressing this rule shall be removed from the floor of the Senate and be deferred from the calling of the floor during the remainder of the entire session. The President and President pro tempore charged with the enforcement of this rule, and this rule cannot be suspended except by a two-thirds vote of the entire Senate.

Attendance, Duties, and Obligations of Senators.

16. No Senator shall absent himself from the Senate of the Senate without leave first obtained. A less number than quorum may be present during adjournment to send the Sergeant-at-Arms to arrest other persons, and any and all absent Senators, as the majority of such Senators may deem expedient, for the purpose of such arrest. Senators, nevertheless, unless so excused, for any cause, shall be ready on the Senate, when a quorum is convened, shall duly assemble and be forthwith the expense shall be paid out of the contingent fund of the Senate, and that the shall satisfy as well as the first attendance at the Senate at the first time of meeting, as determined by the session after the hour has arrived to which the Senate shall adjourn. The President or Acting President of the Senate, or less than a majority present, shall have the power to issue process issued by the Sergeant-at-Arms, or any and other person, to require the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, or miss such or refuse to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to arrest him, as fully as possibly, in person, the official seal of such county, Senator, and for this purpose he may command the sheriff of the county, or of any county in the State.

SENATORS MUST ADDRESS THE PRESIDENT

17. Senators must address the President:

1. When a Senator desires to address the Senate, he shall rise at his *place*, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than once in any one debate on the same day, and at the same stage of the debate, without leave; and Senators who have so spoken shall not again be entitled to the floor (except for supplementary speaking) any Senator who has not so spoken except by leave.

3. No Senator shall be interrupted while speaking, and no questions shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall direct the purposes of closing the debate.

Senator Entitled to Floor.

18. When two or more Senators rise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

Senator, When Called to Order, Must Sit Down.

19. When a Senator shall be called to order he shall sit down until the President shall have determined whether he will order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

Voting.

20. When a Senator desires to raise a point of order he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: Shall the Senator, for the reasons assigned by him, be excluded from voting, which shall be decided without debate. And those proceedings shall be had after the vote has been taken, the result is unanimous, and any further proceedings to rehearse them shall be after such announcement.

Printing.

21. Seven hundred and fifty copies of all bills shall be printed, and the Sergeant-at-Arms shall be required to deliver to the members of the Senate of all printed matter, and the opposite. One copy of each bill and of every printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

Number of Copies to be Printed.

22. Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

Number of Copies to be Printed of Journal.

23. The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a certain number sent to the Assembly to

Simply, each Assemblyman in the new group, by itself, was given a sufficient amount of express property rights to hold on back before the Assembly and the Senate at the end of the session, as required by law.

Wahrt shall be paid to the J.

24. Messages from the Commission (other than financial messages) and messages to directors, officers or persons having significant responsibilities and positions, and comments shall be printed in the Journal in full.

Revised 1/1/99

25. Every vote and a fair statement of the contents of each petition, presented or referred to the Senate shall be entered in the Journal.

We have sent a complimentary copy of *The Wilson-Patterson Syndrome* to the following persons for their comments:

26. The pronunciation of Our Saviour, when not sitting as a Companion of Our ADAM, shall be indicated by the Interval, as containing no number, and the being taken as being 0. 0. 0. and in such manner all the pronunciations.

Printing for the Society.

27. The Superintendent of State Printing shall not permit the use of the State's any money other than provided by law, unless upon a written order signed by the Secretary. The Secretary only, when necessary, shall issue orders from the State Printer such printing as he deems necessary to be printed by contract or the regular order of business, either a specially prepared written order, to be known as a "Rush Order."

J. N. FERGUSON, C. J. HAN, N. A. S. EL-ARABY, J. S. HAN, and R. S. HAN

1. Introduction and Statement of Results

1. Any Senator, desiring to withdraw a bill, may, at any time, after the President and upon being recognized, announce the same, and the title shall be announced from the Secretary's desk, shall be read in the Senate, which it shall be referred to a standing committee. Provided, that no bill shall be withdrawn by the Senate twenty days after the announcement of the same, without the consent of three-fourths of the members thereof. Every bill shall be read at least several days previous to its passage. If there is a vote of yeas and nays there is no Senate shall, by vote of yeas and nays, disagree with this provision, and the last reading shall be its length. The President shall give notice of every bill at the second and third readings, which reading it is, and the bill shall be read on either reading upon the Senate floor as determined by a vote (debated) and Senators agree to such reading. Laws and amendments resolutions shall be inserted the same as before provided they shall be read the once, unless the Senate, by a majority vote of all the Senators present, otherwise direct.

2. The roles of all roles when organized shall be described in the Director's

Chlorine, Cl_2 , is a greenish-yellow gas with a strong, irritating odor. It is highly reactive and is used in the production of many chemicals, including disinfectants and pesticides.

203. All bills and resolutions shall be delivered to the Engraving Clerk by the Secretary of the Senate, and the original, in writing, of the Engraving Clerk, taken therefor, and all bills shall be engrossed in the name of their author in said Engraving Clerk. And all Senate bills shall, after being first passed by and reported from the Assembly, be delivered to the Engraving Clerk by the Secretary of the Senate in the order of their passage from the Assembly, and the Secretary of said Enrolling Clerk taken therefor, and said bills shall be engrossed by the Enrolling Clerk in the order of their passage from the Assembly of the Senate.

Progressed Rules = $\{R_1, R_2, \dots, R_n\}$ and R_i = $\{R_i^1, R_i^2, \dots, R_i^m\}$

30. All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be jointly examined and reported back by the Committee on Engrossment and Printing; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate.

Learning Bills to Read Text Text

31. All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee, *provided*, however, that when an Assembly bill is received by the presiding officer, which is identical with those of a Senate bill which has already been considered and passed by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill, the latter being considered withdrawn; it shall take a place upon a special order and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

Reference to Bills to Finance Commerce

32. All bills or resolutions appropriating money from any fund within the control of the Senate shall be referred to the Committee on Finance before being read the second time.

Committee Amendments—How Made.

33. When amendments to a bill are offered by a committee, the clerk of such committee shall prepare three copies of such amendment, one to go with the bill to the Printer, one to the Minute Clerk, and one to the Journal Clerk.

Committees—When to Report.

34. All committees shall act upon all bills as soon as practicable, and when acted upon shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule: *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

Standing Committee, Quorum of—What Constitutes.

35. Each standing committee shall determine its own quorum: *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

Leave of Absence to Committee.

36. When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

Claims on Contingent Fund Must go to Committee on Contingent Expenses.

37. No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

Executive Communications and Nominations to Committee.

38. When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

The General File: Its Hours—Special Order of Bills on File.

39. The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

Bills Passed on File Placed at Foot of File.

40. When bills have been passed on file for the second time they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

Engrossed Bills Have Preference.

41. All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

Order of Questions on Motion to Refer.

42. When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

Order of Questions Under Debate.

43. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Motions not to be Debated Until Seconded and Announced.

44. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President, or any Senator, and read by the Secretary, before the same shall be debated.

Reading of a Paper, if Objected to, Determined Without Debate.

45. When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

Amendments and Substitutes When in Order.

46. Substitutes may be offered at any time when a bill or proposition is open to amendment, previous to engrossment, and when introduced shall have the right of the original bill or resolution and shall be open to amendment.

Amendments and Substitutes Must be germane.

47. No motion or proposition for an amendment offered thereon shall unless germane shall be admitted under any of the provisions of this constitution.

Least Sum and Shortest Time in Final Reading.

48. In filling up blanks, the least sum or number and the greatest time shall be put first.

Short of Final Question. Two-thirds Vote not Required on Proposition to Amend Constitution.

49. When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators is called for, the amendment or proposition of any kind shall not be received or passed, nor shall the proposition or amendment be received by the merits being short of the final question.

Value of Reconsideration.

50. On the day succeeding that on which a bill, resolution or proposition is passed, resolutions or amendments thereto may be taken, and may be reconsidered on the motion of any Senator, provided notice of intention to move such reconsideration shall have been given on the day on which such bill, resolution or proposition was passed by a Senator voting with the prevailing side. And it shall not be lawful to reconsider on the day on which such final vote was taken. Said motion to reconsider shall have precedence over every other motion, except a motion to adjourn, and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, amendment or final resolution has been passed or defeated, and forty-two votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No motion to reconsider shall be in order on the day preceding the last day of the session. There shall be but one reconsideration, even though the action of the Senate after reconsideration is the negative of the action of the Senate before reconsideration.

Reconsideration of Bills Shall be Assembly.

51. When a bill, resolution, proposition or motion is passed and which a vote has been taken, shall have gone out of the possession of the Senate and may be reintroduced to the Assembly, a motion to reconsider shall be allowed by a motion to request the Assembly to re-pass the same, which has passed motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Secretary, Upon Motion of Reconsideration, not to Remove Bill to Assembly.

52. If a Senator gives notice that he intends to give reconsideration, the Secretary shall not report the bill, proposition or motion, or any amendment or proposition to the Assembly till the reconsideration is decided, or, in the time for giving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

Motion to Reconsider May be Debatable.

53. A Senator after a motion to reconsider is given as provided by Rule 50, may, or the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject matter is debatable.

AMENDMENT OF ORIGINAL QUESTION.

54. Amendments to original question.

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert additional propositions, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert, nor pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

Final Question on Second Reading of Bills. No Amendment in Third Reading, but May Commit.

55. The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the

bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill: but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

Special Orders.

56. Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Form of Previous Question—Call of Senate.

57. The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

Ayes and Noes: Members Must Pledge. No Vote After Announcement of Vote.

58. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent, or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

Rules in Senate and Committee of the Whole.

59. The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

Suspending and Changing Rules.

60. No standing rules or order of the Senate shall be suspended or changed without a vote of two thirds of the members present, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators present, except that portion of Rule 29 relating to the final passage of bills by the Assembly. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

Executive Session.

61. On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

Messengers, When Introduced.

62. Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

Smoking.

63. No smoking shall be allowed within the Senate Chamber.

Cases not Provided for, Cushing to Govern.

64. In all cases not provided for by these rules, the Senate shall be governed by the laws and practices as laid down in Cushing's Law and Practice of Legislative Assemblies.

THOMPSON, Chairman.

SPECIAL ORDER SET.

Senator Thompson moved that the consideration of the report of the special Committee on Standing Rules be made a special order for Thursday, January 5, 1911, at eleven o'clock and thirty minutes A. M.

Motion carried.

RESOLUTIONS—OUT OF ORDER.

The following resolutions were offered:

By Senator Walker:

Resolved, That the President of the Senate be empowered to appoint, in addition to the present standing Committee on Finance, a Committee to consist of five members, to be known as the Finance and Contingent Expenses Committee, the whole composition all positions pertaining to the Finance and Contingent Expenses shall be referred.

Resolution read, and referred to Committee on Rules, authorized to be appointed.

By Senator Roseberry:

Resolved, That the following payroll passed by, each Clerk get money, transferred by the respective positions, as provided by law, with the compensation not to exceed the names, payable weekly, and the Controller is hereby authorized to draw his warrants for the said respective amounts, and the Treasurer is directed to pay the same.

Dennis S. Broshnan..	Assistant	Journal Clerk	\$7.00
J. F. R. Ashland	Assistant	History Clerk	7.00
Murt. McLeod	Assistant	Secretary of Arms	7.00
William Morris	Assistant	Secretary of Arms	7.00
L. Eschall	Assistant	Secretary of Arms	7.00
Don Embert	Assistant	Secretary of Arms	7.00
Margaret N. Barnett	Secretary		7.00
Mrs. A. J. Porter	Secretary		7.00
Zella M. Crosby	Secretary		5.00
Lillian Campbell	Secretary		5.00
Jas. H. Hayward	Clerk		4.00
George H. Johnson.....	Clerk		5.00
Frank Rogers	Clerk		4.00
Arthur Nash	Clerk		4.00
A. T. Ship	Clerk		6.00
George Hartwell	Clerk		4.00
A. McDuff	Clerk		4.00
F. W. Byrd	Clerk		4.00
John Meyer	Clerk		4.00
J. Harkins	Clerk		5.00
J. H. Gregory	Clerk		5.00
T. Frank Murphy	Clerk		5.00
C. J. Sykes	Clerk		5.00
James Miller	Clerk		5.00
James Scherer	Clerk		5.00
O. R. Parker	Clerk		5.00
Frank Branch	Clerk		5.00
John Roberts	Clerk		5.00
L. H. Walker.....	Clerk		5.00
Mary Hughes	Clerk		5.00
William R. Byrne	Clerk		5.00
Earl Lewis	Clerk		5.00

Resolution read

AYES.

Senator Stetson moved that the rules be suspended, and that the resolution be taken up without reference to the Committee on Contingent Expenses.

Motion duly seconded.

The question being on the motion to suspend the rules and take up the resolution without reference to the Committee on Contingent Expenses.

The roll was called with the following result:

AYES—Senators Avey, Bell, Birds, Birdsall, Black, Bonson, Bryant, Burnett, Cartwright, Cassidy, Carter, Cates, Hays, Hewitt, Hunt, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Sandman, Stetson, Strobridge, Thompson, Tverell, Walker, Welch, Wells, and Wright—32.

NOES—Senators Cammett, Hare, Hobson, and Judd—4.

MOTION.

Senator Caminetti moved that the per diem of Zella M. Crosby, stenographer, one of the persons named in the resolution offered by Senator Roseberry, be changed from five dollars to three dollars and fifty cents.

Motion seconded by Senator Hare.

POINT OF ORDER.

Senator Boynton raised the point of order that the compensation of stenographers being fixed, by Section 268 of the Political Code at five dollars per day, the motion was out of order.

POINT OF ORDER SUSTAINED.

The President of the Senate announced the point of order well taken, and declared the motion out of order.

MOTION.

Senator Roseberry moved the adoption of the resolution as read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stelson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—Senators Caminetti, Hare, and Holohan—3.

Whereupon the President declared the above named persons had been elected.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

STANDING COMMITTEES OF THE SENATE.

Agriculture, Dairying, Fruit and Vine Interests—Senators Bills (chairman), Strobridge, Martinelli, Rush, Bryant, Sanford, and Holohan.

Appportionment and Representation—Senators Thompson (chairman), Boynton, Burnett, Welch, Finn, Stelson, Estudillo, Curtin, Roseberry, Bell, Hewitt, Strobridge, Walker, Birdsall, Sanford, Curtin, and Campbell.

Banking—Senators Tyrrell (chairman), Curtin, Wolfe, Bell, Black, Gates, Curtin, Lewis, and Campbell.

Commerce and Navigation—Senators Welch (chairman), Burnett, Bryant, Wright, Cassidy, Finn, and Hare.

Continental Expenses—Senators Burnett (chairman), Bell, and Campbell.

Corporations—Senators Roseberry (chairman), Stelson, Larkins, Welch, Burnett, Gates, Hans, Beban, Caminetti, Holohan, and Juilliard.

County Government—Senators Hewitt (chairman), Thompson, Walker, Martinelli, Campbell, Juilliard, and Shanahan.

Drainage, Swamp, and Overgrown Lands—Senators Martinelli (chairman), Bills, Rush, Hans, Bryant, Sanford, and Shanahan.

Elections and Election Laws—Senators Estudillo (chairman), Boynton, Larkins, Tyrrell, Walker, Hewitt, Gates, Wright, Thompson, Hare, and Juilliard.

Education—Senators Strobridge (chairman), Black, Birdsall, Roseberry, Regan, Wright, Avey, Thompson, Estudillo, Larkins, Curtin, Cartwright, and Caminetti.

Emigration and Emendment—Senators Cassidy (chairman), Bell, and Avey.

Executive Communications—Senators Avey (chairman), Strobridge, Finn, Regan, and Holohan.

Federal Relations—Senators Wright (chairman), Gates, Beban, Walker, and Holohan.

Finance—Senators Curtin (chairman), Black, Thompson, Hewitt, Boynton, Bell, Burnett, Hurd, Walker, Welch, Wolfe, Bills, Strobridge, Birdsall, Rush, Roseberry, Curtin, Caminetti, Cartwright, Sanford, and Holohan.

Fish and Game. Senators Walker (chairman), Allen, Wells, Fernald, Wells, Goodall, Stevens, Strong, Hulse, Gault, Campbell, Sedgwick and Stetson.

Hospitals and Asylum. Senator Ryan (chairman). Larkin, Wells, Black, Stetson, R. Allen, Allen, Wells, Hulse, Sedgwick and Campbell.

Immigration. Senator L. Allen (chairman). Allen, Wells, Fernald, Hulse, Fernald, Larkin, Martinelli and Campbell.

Industries. Senator Stetson (chairman). Boring, Carter, Fernald, Allen, Howell, Fernald, Martinelli, Blanding, Fernald, Fernald, Wells, Wells, Boring, Cummings, Campbell, Cartwright, Carter, Sedgwick and Larkin.

Labor, Capital and Transportation. Senator Larkin (chairman). Carter, Martinelli, Boring, Hulse, Wells and Larkin.

Manufactures and Internal Improvements. Senator Boring (chairman). Boring, Hans, Fernald and Hare.

Military Affairs. Senator Boring (chairman). Hulse, Carter, Ryan and Hare.

Mineral and Oil Industries. Senator Boring (chairman). Boring, Larkin, Rush, Boring, Stetson, and Campbell.

Mining and Transportation. Senator Hulse (chairman). Hulse, Stevens, Fernald, Hans, Larkin and Hare.

Printing. Senator Hans (chairman). Fernald, Fernald, Campbell and Campbell.

Printing and Communications. Senator Ryan (chairman). Fernald, Sedgwick, Tyrrell, Martinelli, Bille, Cassidy, Hare, and Campbell.

Public Buildings and Grounds. Senator Wells (chairman). Wells, Larkin, Hare and Martinelli.

Public Health and Quarantine. Senator Ryan (chairman). Boring, Stevens, Boring, Boring and Hulse.

Public Monuments. Senator Bille (chairman). Fernald, Black, Allen and Campbell.

Revenue and Public Lands. Senator Black (chairman). Fernald, Fernald, Galt, Wells, Cassidy, Boring, Wells, Carter, Sedgwick and Campbell.

Roads and Highways. Senator Ryan (chairman). Fernald, Bille, Boring, Carter, Larkin, Bille, Allen, Hulse, Sedgwick and Campbell.

Rules. Senator Boring (chairman). Ryan, Wells, Boring and Cartwright.

DECLINES TO SERVE ON COMMITTEES.

Senator Cummings asked leave to have his name withdrawn from the Committee on Judiciary.

Request granted.

MOTION.

Senator Stetson moved that, in addition to printing in the Journal the standing committees of the Senate as announced by the President, there be also printed in the Journal a list of members of the Senate, with committees of which each Senator is a member.

Motion carried.

LIST OF MEMBERS OF THE SENATE WITH COMMITTEES OF WHICH EACH SENATOR IS A MEMBER.

Allen. Executive Communications (chairman); Education; Transportation and Internal Improvements; Fish and Game; Hospitals and Asylums; Public Monuments; Roads and Highways.

Boring. Mines and Quarries (chairman); Communications; Federal Relations; Irrigation; Manufactures and Internal Improvements; Public Health and Quarantine.

Bille. Public Monuments (chairman); Agriculture and Representative; Banking; Campaign Expenses; Transportation and Internal Improvements; Finance.

Carter. Agriculture; Mining and Oil Industries (chairman); Drainage; Swamps and Overflowed Lands; Finance; Hospitals and Asylums; Irrigation; Prisons and Reformatories; Roads and Highways.

Cassidy. Mining and Oil Industries (chairman); Agriculture and Representative; Education; Finance; Fish and Game; Prisons and Reformatories; Roads and Highways.

Campbell. Revenue and Taxation (chairman); Banking; Education; Finance; Hospitals and Asylums; Public Monuments.

Cummings. Rules (chairman); Agriculture and Representative; Elections and Election Laws; Finance; Judiciary; Labor, Capital and Immigration; Mining and Oil Industries.

Fernald. Manufactures and Internal Improvements (chairman); Agriculture; Dairying; Fruit and Vine Interests; Drainage; Swamps and Overflowed Lands; Irrigation; Mining and Oil Industries; Revenue and Taxation.

Burnett—Contingent Expenses (chairman); Apportionment and Representation; Commerce and Navigation; Corporations; Finance; Judiciary; Printing.

Caminetti—Corporations; Education; Finance; Mining and Oil Industries; Prisons and Reformatories; Roads and Highways.

Campbell—Apportionment and Representation; Banking; Contingent Expenses; County Government; Fish and Game; Judiciary; Printing.

Cartwright—Education; Finance; Irrigation; Judiciary; Public Morals; Revenue and Taxation; Rules.

Cassada—Engrossment and Enrollment (chairman); Commerce and Navigation; Fish and Game; Printing; Prisons and Reformatories; Revenue and Taxation.

Cartin—Apportionment and Representation; Banking; Education; Finance; Judiciary; Revenue and Taxation.

Cutton—Finance (chairman); Apportionment and Representation; Banking; Labor, Capital, and Immigration; Judiciary; Military Affairs; Roads and Highways.

Estudillo—Election and Election Laws (chairman); Apportionment and Representation; Education; Irrigation; Judiciary; Revenue and Taxation.

Finn—Prisons and Reformatories (chairman); Apportionment and Representation; Commerce and Navigation; Executive Communications; Manufactures and Internal Improvements; Municipal Corporations.

Gates—Roads and Highways (chairman); Banking; Corporations; Elections and Election Laws; Federal Relations; Judiciary; Revenue and Taxation.

Hans—Printing (chairman); Corporations; Drainage, Swamp, and Overflowed Lands; Fish and Game; Manufactures and Internal Improvements.

Hare—Commerce and Navigation; Elections and Election Laws; Manufactures and Internal Improvements; Military Affairs; Municipal Corporations; Prisons and Reformatories.

Heatt—County Government (chairman); Apportionment and Representation; Elections and Election Laws; Judiciary; Municipal Corporations; Rules.

Holahan—Agriculture, Dairying, Fruit and Vine Interests; Corporations; Executive Communications; Federal Relations; Finance; Hospitals and Asylums; Public Health and Quarantine.

Hood—Municipal Corporations (chairman); Finance; Irrigation; Labor, Capital, and Immigration; Military Affairs; Public Buildings and Grounds; Roads and Highways.

Juillard—Corporations; County Government; Elections and Election Laws; Hospitals and Asylums; Judiciary; Labor, Capital, and Immigration; Public Buildings and Grounds.

Larkins—Labor, Capital, and Immigration (chairman); Corporations; Elections and Election Laws; Education; Irrigation; Judiciary; Mining and Oil Industries.

Lewis—Irrigation (chairman); Banking; Hospitals and Asylums; Municipal Corporations; Public Buildings and Grounds; Roads and Highways.

Martelli—Drainage, Swamp, and Overflowed Lands (chairman); Agriculture, Dairying, Fruit and Vine Interests; County Government; Irrigation; Judiciary; Labor, Capital, and Immigration; Prisons and Reformatories.

Regan—Public Health and Quarantine (chairman); Education; Executive Communications; Hospitals and Asylums; Military Affairs; Rules.

Roschery—Corporations (chairman); Apportionment and Representation; Education; Finance; Judiciary; Public Health and Quarantine; Roads and Highways.

Rush—Hospitals and Asylums (chairman); Agriculture, Dairying, Fruit and Vine Interests; Drainage, Swamp, and Overflowed Lands; Finance; Mining and Oil Industries; Roads and Highways.

Sanford—Agriculture, Dairying, Fruit and Vine Interests; Apportionment and Representation; Drainage, Swamp, and Overflowed Lands; Finance; Fish and Game; Hospitals and Asylums; Revenue and Taxation.

Shorhan—County Government; Drainage, Swamp, and Overflowed Lands; Fish and Game; Judiciary; Mining and Oil Industries; Roads and Highways.

Stetson—Judiciary (chairman); Apportionment and Representation; Corporations; Fish and Game; Hospitals and Asylums; Municipal Corporations; Public Health and Quarantine.

Strobridge—Education (chairman); Agriculture, Dairying, Fruit and Vine Interests; Apportionment and Representation; Executive Communications; Finance; Fish and Game; Prisons and Reformatories.

Thompson—Apportionment and Representation (chairman); County Government; Elections and Election Laws; Education; Finance; Judiciary; Public Morals; Revenue and Taxation.

Tyrrell—Banking (chairman); Election and Election Laws; Fish and Game; Judiciary; Printing; Prisons and Reformatories.

Walker—Fish and Game (chairman); Apportionment and Representation; County Government; Elections and Election Laws; Federal Relations; Finance; Public Buildings and Grounds.

Welch—Commerce and Navigation (chairman); Apportionment and Representation; Corporations; Finance; Fish and Game; Hospitals and Asylums.

Watts—Public Buildings and Grounds (Education); (Building, Finance, Fuel and Game, Judiciary, Railroads and Commerce, Health.

Wright—Federal Reserve (Commerce and Navigation, Education and Election Issues, Education, Finance); (Finance, Capital, and Transportation, Revenue and Taxation.

MESSAGE FROM THE GOVERNOR.

The following messages from the Governor were received:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, January 4, 1911.

To the Senate of the State of California:

I have the honor to inform you that I have appointed Alexander McCade of San Francisco, State of California, as Private Secretary, and Thomas Harrison, Esq. of Berkeley, State of California, as Executive Secretary, through whom all communications from this office will be transmitted to your honorable body.

THURAM W. JOHNSON,
Governor of the State of California.

Message read, and ordered printed in the Journal.

Also

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 4, 1911.

To the Senate of the State of California:

I hereby respectfully certify from the record-books of your honorable body the following appointments submitted to your honorable body for approval on the 2d day of January, 1911, viz:

L. A. Grubbs, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, term W. H. Thomas, term expired.

Ernest W. Jackson, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, the Board pattern, term expired.

W. E. Johnson, of San Francisco, a member of the Board of State Harbor Commissioners, term still term expired.

Charles Russell, of Fresno, a member of the Board of Regents of the University of California, term still term expired.

Charles William Stark, of San Francisco, a member of the Board of Regents of the University of California, term still term expired.

A. R. Case, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, term still term expired.

M. L. Wood, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, term still term expired.

Van der Vliet, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, term still term expired.

John S. Smith, of Merced, a member of the Board of Trustees of the State Normal School at San Francisco, term still term expired.

David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, term William G. Henderson.

Henry H. Morrison, of Alhambra, a member of the Board of Trustees of the State Normal School at Los Angeles, term H. C. Davis, term expired.

George A. Smith, of San Francisco, a member of the Board of Fish and Game Commissioners, term David M. Gould, term expired.

THURAM W. JOHNSON,
Governor of the State of California.

Message read, and ordered printed in the Journal.

ANNOUNCEMENT.

At two o'clock and fifty minutes P. M., on motion of Senator Willis, the President declared the Senate adjourned until Thursday, January 5, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Thursday, January 5, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holoban, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 4, 1911, the further reading was dispensed with, on motion of Senator Estudillo.

PETITION.

Senator Cartwright presented the following petition, which was ordered printed in the Journal:

To the Honorable the Senate and Assembly of the State of California:

At a regular session of the Grand Lodge, I. O. O. F., of the State of California, held at Fresno, California, on the 12th day of May, 1910, the following resolutions were unanimously adopted, viz:

Resolved, That the Grand Lodge, I. O. O. F., of California, favors the enactment of a law by the State Legislature authorizing and empowering all unincorporated, benevolent or fraternal societies or associations and every lodge or branch of such society or association, without incorporation, to purchase, receive, own, hold, mortgage, manage, and sell all such real estate and other property as may be necessary for the business purposes and objects of the said society or association or lodge or branch, subject to the laws and regulations of said society or association or lodge or branch, or of the grand lodge thereof, and also to take and receive by will or deed all property not so necessary, and to hold same until disposed of within a period of ten years from the acquisition thereof.

Resolved, That the Grand Lodge of I. O. O. F., in regular session assembled in the city of Fresno, request the enactment of a law, by the California Legislature, making it a misdemeanor for any one (not a member) to have in his possession, or for any one not authorized by any such organization, to offer for sale or publish any work purporting to be an expose of the secret or unwritten work of any secret organization.

In witness whereof, we have hereunto set our hands and affixed the seal of the Grand Lodge, I. O. O. F., of the State of California, this third day of January, 1911.

[SEAL.]

T. W. DUCKWORTH, Grand Master.
H. D. RICHARDSON, Grand Secretary.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 5, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

George M. Hall, of Alaska, a member of the Board of State Officers Committee, and W. E. Thompson, of San Francisco, representative withdrawn.

Charles Russell, of Fresno, a member of the Board of Regents of the University of California, vice self, appointment withdrawn.

I respectfully ask the Senators to the above named appointments:

HIRAM W. JOHNSON.

Governor of the State of California.

Message read, and referred to Committee on Executive Communications.

RESOLUTION BY COMMITTEE ON CONTINGENT EXPENSES.

Resolved, That the following amount granted be allowed the same and against their respective claims for services rendered the Senate shall be an appropriation the same being available out of the Contingent Fund of the Senate:

Lewis A. Harbo, 2 days at \$10.00	\$20.00
J. L. Martin, 2 days at \$8.00	16.00
J. G. McCall, 2 days at \$8.00	16.00
H. P. Francis, 1 day at \$5.00	5.00
C. J. Sears, Per diem, 2 days at \$5.00	10.00
Theodore Ingraham, 1 day at \$5.00	5.00
W. H. Wright, 2 days at \$5.00	10.00
W. L. Burdick, 4 days at \$5.00	20.00

And that the State Controller be, and he is hereby, directed and authorized to draw his warrants upon the Contingent Fund in favor of the foregoing named persons for the amounts set against each of their names, and the State Treasurer to receive the same and ordered to pay the same.

LESTER G. BURNETT, Chairman.

A. E. CAMPBELL.

CLAS W. BEAL.

MOTION.

Senator Burnett moved the adoption of the resolution as read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators R. B. Bicknell, B. B. Brown, Robert Brown, Campbell, Campbell, Cartwright, Cassidy, Edwards, Elmer, Evans, Hays, Hays, Hays, Hays, Hays, Julliard, Larkins, Lewis, Mathews, Lewis, Matthews, Reed, Shattuck, Sherman, Sessions, Stedinger, Thompson, Turner, Warren, Wright, Wright, and Wright—36.

NOTES—None.

RESOLUTIONS.

The following resolutions were offered:

By Senator Rush:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized and directed to draw his warrants upon the Contingent Fund in favor of the following named persons for the amounts set against each of their names, and the State Treasurer to receive the same and ordered to pay the same.

Resolution read, and adopted.

Also:

By Senator Wright:

Resolved, That the following shall be the rule of procedure of the Senate in the introduction of bills: That the roll of Senators shall be called from "A" to "W" and then back from "W" to "A," and as each member's name is called he shall have the privilege of introducing one bill.

Resolution read, and adopted.

Also:

By Senator Bryant:

Resolved, That the Controller of State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of fifteen dollars, to be used as a post office revolving fund, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 5, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses to whom was referred the following resolutions:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100, for rubber stamps, expressage, and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate, and newspaper representatives duly accredited on the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and Journals.

Also:

Resolved, That the Secretary of the Senate be and he is hereby directed to procure for the use of the members of the Senate and Senate committees the necessary index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Lieutenant Governor and each member of the Senate be and he is hereby allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Also:

Resolved, That the Secretary of the Senate be and he is hereby directed to procure for the use of the Senators forty tin office boxes for care of private papers.

Also:

Resolved, That the Secretary of the Senate is authorized and directed to furnish stationery to the standing committees of the Senate; that requisition on the Secretary of the Senate for such stationery be limited to \$30 each for the Committees on Finance and Judiciary, and \$15 each for all other standing committees, each committee's requisition to be signed by the chairman thereof.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers and committees of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

LESTER G. BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juillard, Larkins, Lewis, MacFarlane, Regan, Rosertree, Rush, Sanford, Stetson, Strobridge, Thompson, Tyndall, Welch, Wolfe, and Wright—34

NOES—None.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION. OUT OF ORDER.

Senator Wolfe asked for, and was granted unanimous consent to introduce a Senate concurrent resolution at this time, and that the Senate concurrent resolution be taken up without reference to committee.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION NO. 2.

By Senator Wolfe: Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco at the general municipal election held therein on the fifteenth day of November, 1910.

RUSH ORDER TO PRINTER

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 2.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Special Committee on Standing Rules of the Senate, the same was taken up.

MOTION.

Senator Thompson moved that the report of the Special Committee on Standing Rules of the Senate be amended by striking out all after the figures 64, on the last page thereof, and inserting in lieu thereof the following:

San Francisco Delegation.

64. The members of the Senate from the city and county of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

Cases not Provided for, Cashing in Unusual.

65. In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cassing's Law and Practice of Legislative Assemblies.

Motion carried.

MOTION.

Senator Stetson moved to amend the report of the Special Committee on Standing Rules of the Senate by adding a new subdivision to Section 28 of said report, which shall be known as Subdivision 3, and which shall read as follows:

3. When a bill amending an existing law is introduced the author of the bill shall cause the new matter, if any, to be underscored, and the place in the bill (line) which portions of the law are proposed to be inserted, if any, shall be indicated by closed brackets: *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored, and where any bill introduced repeals an existing law in whole the matter repealed need not be indicated.

All bills reported favorably or for consideration, if reported with amendments, shall have the new matter, if any, underscored, and the place of insertion of parts of the law proposed to be omitted, if any, shall be indicated by brackets. All bills reported with amendments shall be *immediately* reconsidered.

All matter underscored in the bill or amendments, if any, shall be printed by the printer in black faced type, and all brackets shall be reproduced.

Motion seconded by Senator Birdsall.

SPECIAL ORDER SET.

Senator Thompson moved the further consideration of the report of the Special Committee on Standing Rules of the Senate, and the amendment offered by Senator Stetson, be made a special order for Thursday, January 5, 1911, at two o'clock P. M.

Motion carried.

APPOINTMENTS BY THE PRESIDENT.

The following communication was received and read:

SACRAMENTO, CAL., January 5, 1911.

Gentlemen of the Senate: I have to announce that I have this day appointed E. French Strother, Secretary to the President, J. F. Misphey, Page to the President.

Respectfully,

A. J. WALLACE.
President of the Senate.

Senator Wolfe moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estabrook, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Marmell, Regan, Roscherry, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Boynton, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the report of the Special Committee on Standing Rules of the Senate, and the amendment offered by Senator Stetson, the same was taken up.

WITHDRAWAL OF AMENDMENT.

Senator Stetson asked for and was granted unanimous consent to withdraw his amendment to the report of the Special Committee on Standing Rules of the Senate, for the purpose of further amendment.

MOTION.

Senator Stetson moved that the report of the Special Committee on Standing Rules of the Senate be amended by adding a new subdivision to Section 28 of said report, which shall be known as Subdivision 3, and which shall read as follows:

3. When a bill amending an existing law is introduced, the author of the bill shall cause the new matter, if any, to be underscored, and the place in the bill from which portions of the law are proposed to be omitted, if any, shall be indicated by closed brackets: *provided, however*, that where the subject consists of an entirely new section the words thereof need not be underscored, and when any bill introduced repeals an existing law in whole the matter repealed need not be indicated.

All bills reported favorably or for consideration, if reported with amendments, shall have the new matter, if any, underscored, and the place of omission, of parts of the law proposed to be omitted, if any, shall be indicated by brackets. All bills reported with amendments shall be immediately reprinted.

All matter underscored in the draft or amendment of any bill shall be printed by the printer in italics, and all brackets shall be reproduced.

Amendment read and adopted.

Senator Thompson moved to amend the report of the Special Committee on Standing Rules of the Senate, as amended this day, by renumbering Rule 65 thereof, to be numbered 66, and insert as Rule 65 the following:

Leaves of Absence of Members of the Senate Visiting Public Institutions.

65. No leave of absence shall be granted any committee, special or standing, to visit any public institutions of the State or for any other purpose. Whenever any committee shall report to the Senate that it is desirable that such committee receive

information concerning any person mentioned in Senate bills, to a desirable one of all its members, grant a leave of absence to not more than three members of such committee, to be determined by the chairman thereof. Absence from a vote of absence of such members of a committee shall be made in the Senate by written by the chairman thereof, and such absences shall give the right of an appointed or substituted to be seated and finally, receive the same pay and committee fee during the absence, together with the honor of the committee, absolutely full time pay. Such applications shall immediately and without delay be reported by the Committee on Rules, with instructions, to report upon the same on the next legislative day. Said members shall be entitled their salary regular.

Amendment adopted.

ADOPTION OF THE REPORT OF THE JOINT COMMITTEE ON JUDICIAL BRANCH OF THE SENATE.

SENATE ROOM OF THE SENATE.

Time of Meeting of Senate.

1. The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and shall Monday, January 10, 1911, be held at the hour of 12:30 P. M., to 2 P. M., unless otherwise ordered by vote of the Senate.

Calling to Order.

2. The President, Presiding over day, or some member present, shall call the Senate to order at the hour stated, and if a quorum be present, declare open the order of business.

ORDER OF BUSINESS.

3. Order of Business.

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Papers.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Messages from the Governor.
10. Introduction and First Reading of Bills.
11. Consideration of Senate Bills.
12. Unfinished Business.
13. Senate Order of the Day.

Reports from the Committee on Unfinished and Unreported Bills shall only come in in order, provided that messages from some officers shall take the precedence last from the Assembly, and all bills of that Senate, be considered by last time.

President, His Powers and Privileges.

4. The house, subject and building, etc., being, for the use of the Senate shall remain under the control and direction of the President of the Senate, and he shall have the control and direction of the Senate house, and floor of the Senate. He shall see that all officers of the Senate perform their respective duties and see that guests to reporters.

President may Order Standing Clerks.

5. In case of a tie between a majority member of the house, the President or Chairman of the Committee on Unfinished and Unreported Bills shall have the same decided.

President may Call Senators to Order.

6. The President shall have the right to call any Senator to perform the duties of the Chair, who is absent, except during such time, with all the powers of the President, but such substitute shall not lose the right of voting on any question when so presiding.

Appointment to Committees.

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the Chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

Standing Committees.

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture, Dairying, Fruit and Vine Interests, seven members.
2. Apportionment and Representation, seventeen members.

3. Banking, nine members.
4. Commerce and Navigation, seven members.
5. Contingent Expenses, three members.
6. Corporations, eleven members.
7. County Government, seven members.
8. Drainage, Swamp and Overflowed Lands, seven members.
9. Education, thirteen members.
10. Elections and Election Laws, eleven members.
11. Engrossment and Enrollment, three members.
12. Executive Communications, five members.
13. Federal Relations, five members.
14. Finance, twenty-one members.
15. Fish and Game, thirteen members.
16. Hospitals and Asylums, eleven members.
17. Irrigation, nine members.
18. Judiciary, twenty members.
19. Labor, Capital and Immigration, seven members.
20. Manufactures and Internal Improvements, five members.
21. Military Affairs, five members.
22. Mining and Oil Industries, seven members.
23. Municipal Corporations, seven members.
24. Printing, five members.
25. Prisons and Reformatories, nine members.
26. Public Buildings and Grounds, five members.
27. Public Health and Quarantine, five members.
28. Public Morals, five members.
29. Revenue and Taxation, eleven members.
30. Roads and Highways, eleven members.
31. Rules, five members.

President pro tem.—His Powers and Privileges.

9. The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

The Duties of Secretary.

10. It shall be the duty of the Secretary of the Senate:

1. To attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.
2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct Journal of the proceedings of the Senate.
4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign, reassign, or transfer all attachés and employés to their respective duties.

No Records or Papers to be Taken from Desk.

11. The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

Sergeant-at-Arms.

12. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and reimbursement, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him, beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

Printed Bills, Etc., Must be Placed on Desks.

13. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

Doorkeeper.

14. It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Executive, State advisory officers of the two houses, and such persons as have been assigned to duty by the President, from coming within the bar of the Senate, unless some official member of the President or a Senator, provided, that no person shall be admitted upon the floor of the Senate during a session.

Expelling.

15. No person engaged in transacting the business of his occupation and business, or claim for legislation, shall be permitted to become a full member during sessions of the Senate, or be permitted on the floor of the Senate during its recess. And any person transgressing this rule shall be removed from the floor of the Senate and be deprived from the privilege of the floor during the remainder of the entire session. The President and President pro tem are charged with the enforcement of this rule, and this rule may not be suspended except by a two-thirds vote of the entire Senate.

Attendance, Duties, and Obligations of Senators.

16. No Senator shall absent himself from the affairs of the Senate without leave first obtained. A law member, or a member of the Senate or Senate authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, by the majority of such Senators present shall again at the request of such absent Senators, respectively, unless some reason for non-attendance shall be made on the Senate, when a quorum is necessary, shall judge whether, and in that case the reason shall be paid out of the contingent fund of the Senate, and this fund shall apply as well to the first session of the Senate, as to every subsequent session, as to each day of the session after the hour has expired at which the Senate should adjourn. The President or Acting President of the Senate, or less than a majority present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Senators Must Address the President.

17. Senators must address the President.

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor except by expiration (so long as no Senator who has not spoken desires to speak).

3. No Senator shall be interrupted when speaking, and no questions shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Senator Entitled to Plead.

18. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

Senator, When Called to Order, Must Sit Down.

19. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every person of order shall be seated by the President, subject to an appeal by the Senate by any Senator. If a Senator be called to order he cannot speak, the objectionable language shall immediately be taken down in writing.

Voting.

20. When a Senator declines to vote on a roll of the names he shall be required to assign his reasons therefor, and having assigned them, on resuming order shall submit the question to the Senate. "Shall the Yeas be the majority assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the yeas be announced, and any further proceedings in reference thereto shall be after such announcement.

Printing.

21. Seven hundred and fifty copies of all bills shall be printed, and the Sergeant-at-Arms shall be required to carry to the members by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

Number of Copies to be Printed.

22. Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

Number of Copies to be Printed of Journal.

23. The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly pagged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

What Shall be Printed in the Journal.

24. Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

Record of Votes and Petitions.

25. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

When and in Committee of the Whole, Proceedings Must be Entered in the Journal.

26. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

Printing for the Senate.

27. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

*Introduction and Reading of Bills.**28. Introduction and reading of bills:*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized, shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. *Provided*, that no bill shall be introduced in the Senate forty days after the commencement of the session without the consent of three fourths of the members thereof. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be treated the same as bills, provided they shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

3. When a bill amending an existing law is introduced, the author of the bill shall cause the new matter, if any, to be underscored, and the place in the bill from which portions of the law are proposed to be omitted, if any, shall be indicated by closed brackets; *provided, however*, that where the subject consists of an entirely new section the words thereof need not be underscored, and when any bill introduced repeals an existing law in whole the matter repealed need not be indicated.

All bills reported favorably or for consideration, if reported with amendments, shall have the new matter, if any, underscored, and the place of omission of parts of the law proposed to be omitted, if any, shall be indicated by brackets. All bills reported with amendments shall be immediately reprinted.

All matter underscored in the draft or amendment of any bill shall be printed by the printer in italics, and all brackets shall be reproduced.

Order of Engrossing and Enrolling Bills.

29. All bills ordered engrossed shall be delivered to the Engrossing Clerk of the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk, taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

Enrolled Bills to be Forwarded and Reported.

30. All bills, amendments, and resolutions, when being introduced in Committee of the order of the Senate, shall be carefully examined and reported upon by the Committee on Engrossment and Enrolling, the members only, to be communicated to the Assembly with proper amendments, and the original retained by the Senate.

Assembly Bills to be Read First Time.

31. All Assembly bills shall be read the first time when taken up by Assembly measures, and then referred to the Senate Committee on Enrolled Bills, when taken up by Assembly bills as amended, the provisions of which are identical with those of a Senate bill, which has already been considered and reported on in Committee by the Senate. When Assembly bills which are amended but do not differ from the Senate bill (as amended), shall make a proper report in writing, and be transmitted as having considered and recommended to the Senate Committee on Enrolled Bills, and that the title be inserted shall be retained by the Journal.

Reference of Bills to Finance Committee.

32. All bills or amendments appropriating money from any fund having the approval of the Senate shall be referred to the Committee on Finance before being read the second time.

Committee Amendments How Made.

33. When amendments by a bill are referred by a committee, the chair of such committee shall prepare bills copies of which shall be sent to the clerk of the Senate, one to the Member Clerk, and one to the Member Chair.

Committee When to Report.

34. All committees shall not report all bills or amendments, and when taken upon shall be reported back to the Senate Committee, and the chairman of each committee is charged with the responsibility of this duty, provided that the Senate shall at any time order a bill reported back from any committee as a necessary case.

Standing Committee, Question on a Bill Considered.

35. Each standing committee shall determine its own schedule, provided that not less than one third of the members be present, and no amendments shall be in any case considered and passed.

Leave of Absence by Committee.

36. When leave of absence shall be granted by such committee, written or verbal, to visit, public business or otherwise, or for any other purpose, such leave shall be granted only by two-thirds vote, and no extension of absence or renewal shall be allowed.

Claims on Contingent Fund Must go to Committee on Contingent Expenses.

37. No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

Executive Communications and Nominations to Committee.

38. When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications before action is taken by the Senate, which motion shall be determined without debate.

The Governor Lays His Message Special Order on Title or File.

39. The Governor's Message shall be read the earlier rather than the later day possible, as the Senate may determine, and, unless action is required on it, laid on the table, in place upon the 9th of January or the day of its adjournment of the Senate when it is under consideration.

Bills Passed in File Passed at First or Last.

40. When bills have been passed on file for the second time they must be passed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

Enrolled Bills How Forwarded.

41. All bills, after the second reading of the same by the committee, then taken being reported, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being passed on file.

Order of Questions on Motion to Refer.

42. When a resolution shall be offered, or a motion made, to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

Order of Questions Under Debate.

43. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Motions not to be Debated Until Seconded and Announced.

44. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President, or any Senator, and read by the Secretary, before the same shall be debated.

Reading of a Paper, if Objected to, Determined Without Debate.

45. When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

Amendments and Substitutes—When in Order.

46. Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

Amendments and Substitutes—Must be Germane.

47. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

Least Sum and Shortest Time in Filling Blanks.

48. In filling up blanks, the least sum or number and the shortest time shall be put first.

Short of Final Question, Two-Thirds Vote not Requisite on Proposition to Amend Constitution.

49. When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

Notice of Reconsideration.

50. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session. There shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration.

Reconsideration of Bills Sent to Assembly.

51. When a bill, resolution, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

Secretary, Upon Notice of Reconsideration, not to Report Bill to Assembly.

52. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

Motion to Reconsider May be Debated.

53. A Senator, after a notice to reconsider is given, as provided in rule 50, may, at the reconsideration thereof, present the *main question* in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

Amendments to Original Questions.

54. Amendments to original questions.

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed by any (proposing amendment shall be laid on the table, it shall not carry with it or prejudice such question.

2. If the question in debate contains several propositions, the Senator may have the same divided, submit a motion to strike out and insert shall not be denied. The rejection of a motion to strike out and insert (insert and propositions shall not prevent a motion to strike out and insert) a different proposition, nor shall it prevent a motion to simply strike out and insert the insertion of a motion to strike out and insert a motion to strike out and insert; but pending a motion to strike out and insert, the vote to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question. And motion to amend the vote to be stricken out shall have precedence.

Final Question on Second Reading of Bill. No Amendment on Third Reading, but May Amend.

55. The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be offered for discussion at the third reading of any bill; but it shall be allowed to be taken before the final passage of such bill, to move its amendment upon agreed amendments or amend.

Special Orders.

56. Any subject may be taken off the Senate's calendar, to come in special order, and when the time fixed for its presentation arrives the presiding officer shall lay it before the Senate.

Form of Previous Question. Call of Senate.

57. The previous question shall be put in the following form: "Shall my question be now put?" It shall not be proposed when answered by a majority of the Senators present upon division, and the effect shall be as put and in all debate except that the motion of the lay of the amendments shall have the right to come and for subject under discussion shall therefore be immediately put to a vote. On a motion for the previous question, there be a vote being taken by the Senate a call of the Senate shall be in order.

Ayes and Nays. Members Must Answer. No Vote After Amendment of Title.

58. When the ayes and nays shall be called for by three members present, every member within the hour of the Senate on the same the question was put shall declare openly, and without delay, aye or dissent to the question. In asking the vote and nays, and when the call of the Senate, the speaker of the Senate shall be taken immediately. When the ayes and nays shall be taken upon any question in question of this rule, no Senator shall be permitted under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

Rules in Senate and Unanimity of the Whole.

59. The rules of the Senate shall be observed in Committee of the Whole, as far as may be applicable, except that the question of order a Senator may speak, and except that the ayes and nays shall not be taken.

Suspending and Changing Rules.

60. No standing rules in point of the Senate shall be suspended or changed without a vote of two-thirds of the members present, and no day is taken being during the motion therefor, but a rule of order may be suspended temporarily by a vote of two-thirds of the Senate, and hence that person to have the right to the final passage of bills to the Assembly. All proposed amendments to such rules shall be referred to the Committee on Rules, without debate.

Executive Session.

61. On a motion, made and carried by a vote of three-fourths of the Senate, the discussion of any business coming next in the calendar of the Senate, except in executive session, the President shall require all persons present in the Senate, President of the Senate, Secretary, Sergeant at Arms, and Clerks and all individuals and during the discussion of such matters the doors shall remain closed, and every member and officers of the Senate shall keep silent all such sessions, meetings, and things whereof secrecy shall be required by order of the Senate.

Messengers, When Authorized.

62. Messengers may be introduced at any stage of business, except while a question is being put, when the ayes and nays previously called, when the yeas are being counted, or while a Senator is addressing the Senate.

Smoking.

63. No smoking shall be allowed within the Senate Chamber.

San Francisco Delegation.

64. Members of the Senate from the city and county of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

Leaves of Absence of Members of the Senate Visiting Public Institutions.

65. No leave of absence shall be granted any committee, special or standing, to visit any public institutions of the State or for any other purpose. Whenever any committee shall report to the Senate that it is desirable that such committee receive information concerning any public institution, the Senate may, by a two thirds vote of all its members, grant a leave of absence to not more than three members of such committee, to be designated by the Chairman thereof. Application for a leave of absence of such members of a committee shall be made to the Senate in writing by the chairman thereof, and such application shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the names of the committeemen designated for that purpose. Such application shall immediately, and without debate, be referred to the Committee on Rules, with instructions to report upon the same on the next legislative day. Said members shall be allowed their actual expenses.

Cases not Provided for, Cushing to Govern.

66. In all cases not provided for by these rules, the Senate shall be governed by the laws and practices as laid down in Cushing's Law and Practice of Legislative Assemblies.

THOMPSON, Chairman.

Senator Thompson moved the adoption of the report of the Special Committee on Standing Rules of the Senate.

Motion duly seconded.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby appointed to the respective positions, as provided by law, with the compensations set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective names, and the Treasurer is directed to pay the same:

J. E. Lynch	Press Mailing Clerk	\$4 00
Eva Spencer	Assistant Postmistress	4 00
Earle Freeman	Stenographer, Finance	5 00
E. F. Van Alstine	Committee Clerk	4 00
William Gerran	Stenographer	5 00
Thomas Shea	Bill Filer	4 00
C. E. Townsend	Gatekeeper	3 00
E. French Strother	Secretary to President	6 00
J. F. Misphey	Page to President	2 50
George Payne	Assistant Sergeant-at-Arms	5 00
Claude Mathewson	Assistant at the Desk	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Webb and Wright—36.

NOES—None.

Whereupon the President declared the above named persons had been elected.

MOTION.

Senator Boynton moved that the Senate do now take up the introduction and first reading of bills, etc.

Motion duly seconded.

Motion carried.

PRESIDENT PRO TEM ROYSTON IN THE CHAIR.

At two o'clock and twenty minutes P. M., Senator A. E. Royston, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Ayer: Senate Bill No. 1.—An Act to add three new sections to Chapter VII of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and to be numbered Sections 887, 888 and 889, relating to the initiative, the referendum, and the recall.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Larkins: Senate Bill No. 2.—An Act to amend Section 671 of the Civil Code to restrict the ownership of real estate.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 3.—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein, to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1906, and as amended March 20, 1907 and March 24, 1907.

Bill read first time, and referred to Committee on Drainage, Swamp, and Overflowed Lands.

By Senator Birdsall: Senate Bill No. 4.—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Black: Senate Bill No. 5.—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to complete the work of replacing and reconstructing and reequipping for the accommodation and treating of patients buildings destroyed April 18, 1906, to appropriate the sum of \$350,000.00 therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 6.—An Act to carry into effect the provisions of paragraph 16 of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hurd: Senate Bill No. 7—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at foreign and domestic fairs and expositions, and to provide for a commissioner thereof, and prescribing his powers and duties.

Bill read first time, and referred to Committee on Finance.

By Senator Burnett: Senate Bill No. 8—An Act to provide for the establishment, maintenance and control of a sanitarium for the treatment of tuberculosis and making appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Caminetti: Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Campbell: Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cartwright: Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Bill read first time, and referred to Committee on Education.

By Senator Cassidy: Senate Bill No. 12—An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Roseberry: Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards.

Bill read first time, and referred to Committee on Corporations.

By Senator Estudillo: Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of

the Constitution of the State of California as the said article was amended November 8, 1910 in so far as the same relates to the public school system and to that end amending section one thousand seven hundred and sixty of the Political Code of the State of California, relating to the State High School Fund.

Bill read first time, and referred to Committee on Education.

By Senator Roschberry: Senate Bill No. 17—An Act to regulate the Civil Service of the State of California and local divisions thereof.

Bill read first time, and referred to Committee on Education.

By Senator Holahan: Senate Bill No. 18—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Juhlband: Senate Bill No. 19—An Act to provide a uniform system of administration for public roads and highways and to provide for building, repairing and maintaining the same and to provide revenue for said purposes.

Bill read first time, and referred to Committee on Roads and Highways.

MOTION.

Senator Burnett asked for and was granted unanimous consent that Senate Bill No. 20 be taken up for consideration without reference to committee.

RUSH ORDER TO PRINT.

On motion of Senator Hayslett, the Secretary was directed to issue a rush order for printing Senate Bill No. 20.

CASE OF URGENCY RESOLUTION.

The following resolution was offered:

By Senator Burnett:

Resolved, That Senate Bill No. 20 passes in case of urgent necessity, as that bill is used in Section 15 of Article IV of the Constitution and the granting of that section requiring that the bill shall be read on three several days in each House as hereby dispensed with, and it is ordered that said bill be read, first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Carson, Carson, Escondido, Gates, Hewitt, Henshaw, Hunt, Juhlband, Larkins, Lewis, Mitchell, Ragan, Roschberry, Ross, Sanford, Stinson, Thompson, Tatrock, Walker, Welch, Weiss, and Wright—31.

NOES—None.

By Senator Burnett: Senate Bill No. 20—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Bill read second time, considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Ayer, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Carson, Carson, Escondido, Gates, Hewitt,

Holohan, Hurd, Julliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—34.
NOES—None.

Title read, and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Larkins: Senate Bill No. 21—An Act to amend an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for the shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for the failure to load or unload cars so furnished," approved April 20, 1909.

Bill read first time, and referred to Committee on Corporations.

By Senator Lewis: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California: a new section to be numbered Section 2 of Article 2 thereof, relating to the right of suffrage.

Constitutional amendment referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14 Article XI of the Constitution of the State of California.

Constitutional amendment referred to Committee on Corporations.

By Senator Roseberry: Senate Concurrent Resolution No. 3—Approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

Concurrent resolution referred to Committee on Municipal Corporations.

By Senator Rush: Senate Bill No. 23—An Act to provide for the building, equipping and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

SENATOR WOLFE IN THE CHAIR.

At two o'clock and forty-one minutes P. M., Senator Wolfe of the Twenty-first District in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Sanford: Senate Bill No. 24—An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 25—An Act to create a "state bureau of criminal identification and investigation," providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer; fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same; and providing for the expense of equipping and maintaining the office of said bureau.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rush: Senate Bill No. 27—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Thompson: Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Rush: Senate Bill No. 29—An Act to provide for the building, equipping and furnishing of a nurses' home at the Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Walker: Senate Bill No. 30—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Welch: Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns and incorporated cities and counties of the State of California to appoint sealers of weights and measures and defining the powers and duties of such officers.

Bill read first time, and referred to Committee on Corporations.

By Senator Wolfe: Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof, for the competency of certain evidence at the trial thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California relating to judicial department of the State, and creating a court of impeachment.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 33—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Wolfe: Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 35—An Act to regulate the practice of stationery and steam engineering, the registering and licensing of persons to carry on such practice and to insure the better education and promote competency and skill among stationary and steam engineers in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Sanford: Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Joint resolution referred to Committee on Federal Relations.

By Senator Thompson: Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Rush: Senate Bill No. 38—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 39—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Sanford: Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Joint resolution referred to Committee on Federal Relations.

By Senator Rush: Senate Bill No. 40—An Act to provide for the building, equipping, and furnishing of a building to be known as an amusement hall at the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lewis: Senate Bill No. 41—An Act to amend Section 628 of the Political Code relating to the protection of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Sanford: Senate Bill No. 42—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to construct and furnish a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lewis: Senate Bill No. 43—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children, providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts," approved March 8, 1909, for amending Section 101, relating to probation officers in counties of the eighth, tenth, sixteenth and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Bill read first time, and referred to Committee on Judiciary.

By Senator Larkins: Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read first time, referred to Committee on Municipal Corporations.

By Senator Campbell: Senate Concurrent Resolution No. 4—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Concurrent resolution referred to Committee on Municipal Corporations.

Also: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section twenty-two of article twelve thereof relating to the railroad commission, and by repealing section twenty-three of article twelve thereof relating to railroad districts.

Constitutional amendment referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 45—An Act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to elections within this State.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Caminetti: Senate Bill No. 46—An Act to amend Section 1760 of the Political Code of the State of California providing for and relating to support for high schools.

Bill read first time, and referred to Committee on Education.

By Senator Welch: Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Estudillo: Senate Bill No. 48—An Act to amend Section 737 of the Political Code relating to the salary of superior judges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Constitutional Amendment No. 5—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution.

Constitutional amendment referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 50—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital, to erect, equip and furnish a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

PRINTING OF SENATE BILL NO. 13.

Senator Curtin asked for and was granted unanimous consent that 2,500 copies of Senate Bill No. 13 be printed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Caminetti: Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article to be designated and numbered Article IXa, of Chapter III, of Article III of Part III of said Code, relating to elementary and secondary schools.

Bill read first time, and referred to Committee on Education.

By Senator Campbell: Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 53—An Act to amend Subdivisions 9 and 16 of Section 4238 of the Political Code of the State of California relating to the compensation of officers of counties of the ninth class.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Welch: Senate Bill No. 54—An Act to amend section six hundred and twenty six of the Penal Code of California, relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Walker: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR

At two o'clock and fifty-five minutes P. M., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—[RESC. MEY.]

By Senator Rush: Senate Bill No. 56—An Act appropriating the sum of one hundred thousand dollars for the construction and equipment of a building or buildings at the Veterans' Home of California for the use of wives and widows of dependent honorably discharged United soldiers, sailors, or marines and providing for the plans for the construction and equipment of such building or buildings.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Wolfe: Senate Bill No. 57—An Act to appropriate \$10,000.00 for the establishment of a school of forestry at the University of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Sanford: Senate Bill No. 58—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital, to make repairs and improvements to the plumbing system of the Mendocino State Hospital and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Hare: Senate Bill No. 59—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Caminetti: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of article IV thereof, relating to sessions of the legislature.

Constitutional amendment referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, January 6, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 5, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Cutten was, on motion of Senator Birdsall, granted leave of absence for this day.

Senator Stetson was, on motion of Senator Curtin, granted leave of absence for this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 6, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 5, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

George M. Hill, of Alameda, a member of the Board of State Harbor Commissioners, vice W. E. Dennison, of San Francisco, appointment withdrawn.

Chester Rowell, of Fresno, a member of the Board of Regents of the University of California, vice self, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that the above appointments be confirmed.

AVEY, Chairman.

Senator Boynton moved that the Senate take up the consideration of the report.

Motion duly seconded.

Motion carried.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

The President put the question, "Will the Senate advise and consent to the appointment of George M. Hill, of Alameda, a member of the Board of State Harbor Commissioners, vice W. E. Dennison, of San Francisco, appointment withdrawn?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Baynton moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty five minutes A. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsell, Bixson, Bryant, Burnett, Campbell, Cassidy, Curtin, Escudillo, Gayles, Hewitt, Hunsick, Luskins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strickland, Thompson, Tyrrell, Walker, Welch and Wolfe—28.

The Secretary announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty minutes A. M., Further proceedings under the call of the Senate were dispensed with, on motion of Senator Baynton.

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsell, Bixson, Bryant, Burnett, Campbell, Cassidy, Curtin, Escudillo, Gayles, Hewitt, Hunsick, Luskins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strickland, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of George M. Hill, of Alameda, a member of the Board of State Harbor Commissioners, vice W. E. Dennison of San Francisco, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Chester Rowell, of Fresno, a member of the Board of Regents of the University of California, vice self, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsell, Bixson, Bryant, Burnett, Campbell, Cassidy, Curtin, Escudillo, Gayles, Hewitt, Hunsick, Luskins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strickland, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of Chester Rowell, of Fresno, a member of the Board of Regents of the University of California, vice self, appointment withdrawn, had been duly confirmed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Roseberry: Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 62—An Act to provide an appropriation for the erection and equipment of an assembly hall and administration building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, referred to Committee on Education.

Also: Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 64—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Education.

By Senator Estudillo: Senate Bill No. 65—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

Also: Senate Bill No. 66—An Act regulating the cutting of timber on forest lands within the State of California by requiring the burning of slashings, and the leaving of seed trees for the reproduction of forests; providing for the appointment of inspectors for the enforcement of these regulations and making an appropriation to provide for the expense in connection therewith.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 67—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 68—An Act to provide for the erection and furnishing of a female convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 69—An Act to provide for the construction and furnishing and equipping of a sewing room and dormitory over the dining room of the female department at the Stockton State Hospital, and connecting passageway, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 70—An Act to provide for the installation of a system of fire protection of buildings about the grounds and State farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, steam and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 71—An Act to provide for the installation of a power plant at the Stockton State Hospital, including engine, generators, pipings, pumps, switch board, air regulators, and for the expense incurred in the removal of old boilers, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 72—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 75—An Act to provide for the purchase of four hundred eighty-six (486) acres of farming land adjoining the present state farm of the Stockton State Hospital, on the lower Sacramento road, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Campbell: Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators and guardians.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 77—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section 53*a*, defining the word "elector."

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 78—An Act to amend the Political Code of the State of California, by adding a new section thereto to be numbered section 53*a*, defining the word "elector."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 79—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to the county clerk's fees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 81—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 86—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 87—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Bill read first time, and referred to the Committee on Public Buildings and Grounds.

Also: Senate Bill No. 88—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 92—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 96—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons, issued out of a Justice's Court, outside of the county in which the action is brought.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 99—An Act to repeal section two hundred and forty-six of the Penal Code of the State of California, concerning assault made by person undergoing a life sentence in a state prison of this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of Article 4 thereof, relating to senatorial and assembly districts.

Constitutional amendment referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 100—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital, to construct a dam and reservoir for additional water supply for the Mendocino State Hospital and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 101—An Act to amend Section 631*b* of the Penal Code relating to the creation of the game preservation fund and the disposition to be made thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626*a* thereof relating to the use of animals as blinds.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hare: Senate Bill No. 103—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, and 1145 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106*a* and Section 1143*a* of said Political Code, all relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 104—An Act to amend Sections 1, 5, 6, 12, 13, 17, 22, 26 and 28, of an Act entitled "An Act to provide for and regulate primary elections and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator" approved March 24th, 1909.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Burnett: Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California relating to the work required to be done in the appropriation of waters of the State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek, to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

PRESIDENT PRO TEM. BOYSTON IN THE CHAIR

At ten o'clock and forty five minutes A. M., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (RESUMED)

By Senator Curtin: Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County, a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hays: Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its bounded areas, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Boynton: Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill read first time, and referred to Committee on Education.

By Senator Estadillo: Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Bills: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Walker: Senate Bill No. 114—An Act to amend section thirteen hundred and thirty-seven of the Penal Code relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Thompson: Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty-eight, relating to the issuance of county bonds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four, relating to the cancellation of erroneous assessments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one, relating to the payment of money into the county treasury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 118—An Act to amend section three thousand six hundred and fifty-five of the Political Code relating to the duties of county assessors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code relating to tax sales.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 120—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 121—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 122—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 123—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 125—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 126—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 127—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 128—An Act to provide for general repairs of the buildings at the Veterans' Home of California located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 129—An Act to provide for plumbing at the Veterans' Home of California located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 130—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 131—An Act providing for the construction of an additional building at the Veterans' Home of California located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Larkins: Senate Bill No. 132—An Act to increase the number of judges of the superior court of the county of Tulare, and to provide for the appointment of an additional judge.

Bill read first time, and referred to the Committee on County Government.

By Senator Bell: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution in relation to the rights of suffrage.

Constitutional amendment referred to Committee on Judiciary.

By Senator Julliard: Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled, "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—OUT OF ORDER.

Senator Wolfe asked for, and was granted, unanimous consent to take up the consideration of Senate Concurrent Resolution No. 2 out of order.

SENATE CONCURRENT RESOLUTION No. 2

Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted on and passed by the common council of said city and county of San Francisco, at a general municipal election held thereon on the fifteenth day of November, 1910.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and seventy thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now

organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals entitled, as follows, to wit:

Charter Amendment No. 1, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific Exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Charter Amendment No. 2, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8, and adding four new sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor."

Charter Amendment No. 5, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II and sections 13 and 19 of chapter I of article II thereof, relating to official advertising."

Charter Amendment No. 6, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of chapter I of article XI and chapter II of article XI, relating to elections, the direct nomination of candidates and the Australian ballot."

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph (i) of section 6 of chapter II of article XI thereof, which, if approved, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no political designation shall be printed in connection with the name of a candidate for office."

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers."

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State."

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts under accepted or unaccepted streets."

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to

amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of bridges, viaducts, vias and viaducts."

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 21 and 22 of chapter II of article VI thereof, relating to the construction of streets that shall benefit, the change or correction of alignment of streets or substitution of a street, and the construction of viaducts or bridges."

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 8 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing uncompleted streets and the manner of assessing and collecting for damages resulting from defects in public streets."

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article VI to be designated section 53 thereof, relating to the method of improvement of streets, the construction of viaducts, vias, and viaducts may be made payable in installments."

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section I of chapter II of article II thereof, relating to the construction of a new viaduct or bridge."

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section therein, to be known as section 12 of article XIV, providing authority for the Academy of Sciences to erect and maintain a museum in Golden Gate Park."

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of persons employed in the fire department."

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7, 10 and 11, relating to the franchises upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and length of franchises and providing for the forfeiture of franchise for a violation of conditions."

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section therein, to be numbered section 6a, relating to the manner of granting franchises."

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, providing section 10 of article XIV, and adding three new sections therein, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of article XIV thereof, relating to the expenditure of taxes toward the improvement of parks."

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of chapter I of article VI relating to public work by contracting and the labor."

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article XIII thereof relating to the appointment of city service commissioners."

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 23 of article XVI and adding two new sections therein, to be numbered sections 39 and 40, relating to vacations, holidays and office hours."

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions."

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10 relating to the pensions of firemen retired prior to January 1, 1900."

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors."

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein."

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV relating to the grading of positions in the tax collector's office and fixing the salaries therein."

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI thereof, relating to positions in the department of public works, and fixing salaries therein."

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Charter Amendment No. 36, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter IV of Article IV, relating to positions and salaries in the Assessor's Office."

Charter Amendment No. 37, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a teachers' salary fund; the levy of a tax for current expenses of the Department of Education, and for acquiring lands, school buildings and improvements."

Charter Amendment No. 38, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of \$3.00 a day."

Charter Amendment No. 39, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VI of article VIII thereof, relating to salaries of the police patrol drivers," and

WHEREAS, Said thirty-eight proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1201 (new series), of the kind aforesaid, passed and adopted September 20, 1910, instruct the Board of Election Commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty-eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper; and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly summoned in accordance with law and the charter of the city and county of San Francisco, the Board of Election Commissioners of the said city and county duly and regularly summoned the voters of said special municipal election, and duly conducted the same, and said board being by law and the charter authorized to conduct, manage and control the holding of elections, and its actions pertaining to elections in said city and county; and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eight hundred and eighty-one electors were notified by a majority of the electors of said city and county, among them, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified.

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the Board of Election Commissioners duly filed with the board of supervisors the formal statement of votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D., 1910, for charter amendments; and

WHEREAS, One of said eight amendments so ratified by the voters of the city and county of San Francisco at said special municipal election is now submitted to the Legislature of the State of California for approval or rejection without prejudice of alteration or amendment, in accordance with section eight of article twenty of the constitution of the State of California, and is in words and figures as follows:

CHARTER AMENDMENT No. 10

That Section 3 of Article XVI of said charter be amended to read as follows:

Section 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the State, except by permission of the mayor and the board of supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

ss.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendment to the charter of the said city and county of San Francisco with the original proposals submitted the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true, correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

P. H. MCCARTHY,

Mayor of the City and County of San Francisco.

W. R. HAGERTY,

Clerk of the Board of Supervisors of the
and County of San Francisco.

[SEAL]

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring therein), That said amendment to the charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and is hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the city and county of San Francisco.

Senate concurrent resolution read

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES: Senators Avey, Bell, Bolls, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Escondido, Goss, Hans, Hans, Howett, Houchens, Hurd, Juilliard, Larkins, Lewis, Martindale, Regan, Roseberry, Rush, Santard, Shanahan, Strabridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—32.

NOES:—None.

Senate Concurrent Resolution No. 2 considered engrossed, and ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (RESUMED).

By Senator Hurd: Senate Bill No. 135—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvement to the State Normal School Building at Los Angeles.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 136—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings" approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Walker: Senate Bill No. 138—An Act to add a new section to the Code of Civil Procedure, to be known as Section 730, relating to the publication of notices of sales by trustees under deeds of trust.

Bill read first time, and referred to Committee on Judiciary.

RECESS.

At eleven o'clock and fifty-five minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until twelve o'clock and fifteen minutes P. M.

RECONVENED.

At twelve o'clock and fifteen minutes P. M., the Senate reconvened.

Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Hurd, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Approving a certain amendment to the Charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general municipal election held therein on the fifteenth day of November, 1910.

L. B. MALLORY, Chief Clerk.

By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, Sacramento, Jan. 6, 1911.

MR. PRESIDENT: I am desirous to inform your honorable body that the Assembly on this day passed as a bill of emergency, Senate Bill No. 20, an Act to create an appropriation for the contingent expenses of the Senate for the meeting of the twenty-ninth Legislature of the State of California during the next session, to-wit:

L. B. MALLORY, Chief Clerk

By JAMES C. WILDER, Assistant Clerk

Senate Bill No. 20 ordered to enrollment.

RESOLUTIONS—OUT OF ORDER

The following resolutions were offered:

By Senator Burnett

Resolved, That the Secretary of State is hereby directed to cause the contingent expense accounts of Senators and Legislators generally, and in a sufficient number of instances of the same to the State Controller, and the Controller is hereby directed to draw his warrant on behalf of each Senator for the amount appearing on his account, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Avey, Roben, Bell, Bliss, Bowers, Bryant, Burnett, Cameron, Campbell, Cartwright, Cassidy, Carter, Estrada, Foss, Galois, Hays, Hewitt, Hood, Juddard, Jenkins, Martinelli, Raker, Rossmore, Shannon, Thompson, Farrell, Walker, Welch, and Wright; 29.

NOES. None.

By Senator Thompson

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate forty-four copies of the 1908 edition of the Pocket Codes of California (five volumes), and of Thompson's (three volumes) of the Constitution of California, the same to be paid for out of the contingent fund of the Senate. That the Secretary of the Senate be and he is hereby directed to prepare one set of such Codes and one copy of the Constitution for each Senator, and send at the close of the thirty-ninth session of the Legislature (next year) the books so delivered to him to the State Librarian.

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—RESUMED.

By Senator Caminetti: Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof to be designated Section 38, relating to the establishment, construction and maintenance of state rail highways for steam, electric, motor and other train service.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 139—An Act providing for an appropriation of \$20,000, for the purpose of purchasing additional land for the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 141—An Act providing for an appropriation of \$750.00 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000. for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 143—An Act providing an appropriation for \$1,000.00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 144—An Act appropriating money to pay the salary and expenses of a parole officer at the Preston School of Industry for the 63d and 64th fiscal years.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 146—An Act appropriating money for the equipment of a barber shop at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 150—An Act appropriating money for the purchase of additional brick-making machinery for the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 151—An Act appropriating money for the purchase of supplies—for the school of letters and musical instruments—for the band at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 153—An Act appropriating money for the erection and equipment of a school building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 154—An Act appropriating money to purchase tools to be given to the paroled boys who have learned various trades at the school when they are released from the school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining room.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 157—An Act appropriating money for the purchase of books and library improvements at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

SENATOR WRIGHT IN THE CHAIR

At twelve o'clock and twenty-five minutes P. M., Senator Wright, of the Fortieth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED)

By Senator Sanford: Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hare: Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Finn: Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Burnett: Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Monday, January 9, 1911, at eleven o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,

Monday, January 9, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Rev. Father William Hughes, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 6, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Welsh was, on motion of Senator Wolfe, granted leave of absence for the forenoon of this day.

Senator Martinelli was, on motion of Senator Estudillo, granted leave of absence for this day.

Senator Juilliard was, on motion of Senator Sanford, granted leave of absence for this day.

RESOLUTION.

The following resolution was offered:

By Senator Thompson:

WHEREAS, The term of Honorable Frank P. Flint, United States Senator in Congress from the State of California, elected January 11, 1905, will expire on the 4th day of March, 1911; and

WHEREAS, His successor, whose term shall commence on the 4th day of March, A. D. 1911, must be chosen, in the manner required by law: therefore be it

Resolved, That the Senate do on Tuesday, January 10, 1911, at 10 o'clock A. M., proceed to organize, by electing and choosing a speaker for the Senate in Congress from the State of California, for the term of one year, commencing March 4th, 1911, and send to the Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1890, and passed by the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, 1874," approved January 22, 1874.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Sanford: Senate Bill No. 107—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also, Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Burnett: Senate Bill No. 164—An Act to establish the California State Reformatory; to provide for the purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 165—An Act to establish a State training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Constitutional Amendment No. 10—Proposed amendment to Article 20 of the Constitution, by adding a new section to Article 20 to be numbered Section 21, validating acts of the Legislature of the thirty-ninth session.

Constitutional amendment referred to Committee on Judiciary.

Also, Senate Constitutional Amendment No. 11—Proposed amendment to section six of article six of the Constitution, relative to the selection and appointment of superior judges.

Constitutional amendment referred to Committee on Judiciary.

By Senator Hurd: Senate Bill No. 166—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00), to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled, "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Bill read first time, and referred to Committee on Finance.

By Senator Larkins: Senate Bill No. 167—An Act to amend Sections 360 and 671 of the Civil Code, relating to ownership of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 168—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Bill No. 170—An Act to amend the Political Code of the State of California by adding thereto a new section to be known and numbered as Section 1072*a* of said Political Code, relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Avey: Senate Bill No. 171—An Act to provide for the erection, equipping and furnishing one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 172—An Act to provide for the erection, equipping and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 173—An Act to provide for the construction of roads, curbs, gutters and walks at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 174—An Act to provide for the transforming of the old power plant into an office for the steward and a commissary building at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 175—An Act to provide for the erection, equipping and furnishing of one cottage for male night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 176—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 177—An Act to provide for the erection, equip-

ping and furnishing of one cottage for female night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 178—An Act to provide for the erection, equipping and furnishing of one large cottage for male day patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 179—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to increase the domestic water supply at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 180—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to purchase additional water stock for increasing the water supply for the farm, garden and orchards at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Black: Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Birdsall: Senate Bill No. 183—An Act to amend Section 626 $\frac{1}{2}$ of the Penal Code of the State of California, relating to the protection of deer.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 184—An Act to amend Section 626 of the Penal Code of the State of California, relating to the running, trailing, preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 185—An Act to amend Section 626 of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 186—An Act to appropriate the sum of five thousand dollars for the purpose of erecting and constructing a bridge on Lake Tahoe wagon road, a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Bills: Senate Bill No. 187—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Yolo Basin Drainage District,'" to promote drainage therein; to provide for the management and control of said drainage district," approved April 21, 1909.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Holohan: Senate Bill No. 188—An Act to amend section two thousand nine hundred seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Cassidy: Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wolfe: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16.

Bill read first time, and referred to Committee on Judiciary.

By Senator Strobbridge: Senate Bill No. 193—An Act to repeal section four thousand and forty-nine *a* of the Political Code of California, relating to the annual statistical report prepared and published by boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Curtin: Senate Bill No. 194—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat, in Tuolumne County, to Yosemite Valley.

Bill read first time, and referred to Committee on Roads and Highways.

Also, Senate Bill No. 195—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Stetson: Senate Bill No. 196—An Act to amend Section 166 of the Civil Code of the State of California, relating to separate property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 198—An Act to amend Section 1417 of the Penal Code, relating to reprieves, commutations and pardons.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 199—An Act to amend Section 1418 of the Penal Code relating to reprieves, commutations and pardons.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 200—An Act to amend Section 190 of the Penal Code relating to the punishment of murder.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 201—An Act to amend Section 210 of the Penal Code relating to the punishment of persons convicted of wrecking railroad trains.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 202—An Act to amend Sections 4785 and 4786 of the Political Code, relating to tax deeds.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 203—An Act to amend an Act entitled "An Act to amend Section 1808 of the Political Code, relating to the apportionment of school funds."

Bill read first time, and referred to Committee on Education.

Also, Senate Bill No. 204—An Act to repeal Article VIII, of Title III, Part III, of the Political Code.

Bill read first time, and referred to Committee on Education.

By Senator Burnett: Senate Constitutional Amendment No. 12—Proposed amendment to Section 22, of Article 12, of the Constitution, relative to abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission.

Constitutional amendment referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Caminetti was, on motion of Senator Sanford, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies—and report that the same has been correctly enrolled, and presented the same to the Governor on this seventh day of January, 1911, at four o'clock and twenty-five minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general municipal election held therein on the fifteenth day of November, 1910, and report that the same has been correctly enrolled, and presented the same to the Governor on the ninth day of January, 1911, at eleven o'clock and fifteen minutes A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 20—An Act to make an appropriation for the contingent expenses of the senate for the session of the thirty-ninth legislature of the State of California during the sixty-second fiscal year—and report that the same has been correctly enrolled, and presented the same to the Governor on the seventh day of January, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

RECESS.

At twelve o'clock M., on motion of Senator Cutten, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Roseberry:

Resolved, That the following named persons be and they are hereby appointed to the respective positions, as provided by law, with the compensations set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective amounts, and the Treasurer is directed to pay the same:

Samuel Night	Stenographer	\$5 00
T. Shehan	Bill Filer	4 00
M. McCarthy	Assistant Sergeant-at-Arms	5 00
M. Rainey	Assistant Sergeant-at-Arms	5 00
Allen R. Sweeney	Committee Clerk	4 00
James A. Hall	Watchman	3 00
William Lardner	Committee Clerk	4 00
E. G. Hamilton	Mail Carrier	3 00
Dicy A. Baugh	Committee Clerk	4 00
A. J. Anderson	Watchman	3 00
Chas. Riley	Committee Clerk	4 00
Felix McMahon	Bill Filer	4 00
A. J. Smith	Bill Filer	4 00
E. Moran	Bill Filer	4 00
Miss Zilpha Martin	Stenographer	5 00
Miss Jessie Fisher	Committee Clerk	4 00
M. Miller	Committee Clerk	4 00
M. A. Hubbard	Assistant Engrossing and Enrolling Clerk	5 00
Miss E. Silva	Assistant Engrossing and Enrolling Clerk	5 00
Peter McNally	Bill Filer	4 00
E. B. Guertin	Committee Clerk	4 00
Arthur C. Eiseman	Committee Clerk	4 00

Albert Turner	Bill Clerk	84.00
Josephine McCann	Clerk	4.00
Frank M. Conner	Clerk	4.00
William Murray	Clerk	4.00
James Houston	Clerk	4.00
J. J. H. Brown	Clerk	4.00
D. Doolittle	Clerk	4.00
Anton C. R. Heston	Clerk	4.00
James Jones	Clerk	4.00
Frank Dool	Clerk	4.00
Mrs. Sadio Sordani	Clerk	4.00
Mrs. L. P. McKinn	Clerk	4.00
M. Thompson	Clerk	4.00
S. Wolfe	Assistant Secretary	5.00
M. Welch	Clerk	4.00
Frank J. Brandon	Clerk	4.00
S. A. Keele	Assistant Secretary	5.00
Reuben Alexander	Clerk	4.00
Alva H. Smith	Clerk	4.00
Elmer Durnin	Clerk	4.00
Arthur S. Green	Stenographer	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cassidy, Cutten, Gates, Hans, Howitt, Hard, Larkins, Lewis, Rogers, Rosseter, Rush, Sanford, Shanahan, Stetson, Stralbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES: None.

Whereupon the president declared that the above named persons had been elected.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON CONCURRENT RESOLUTIONS.

SENATE CHAMBER, SACRAMENTO, January 9, 1911.

MR. PRESIDENT: Your Committee on Concurrent Resolutions, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate thirty-five sets of the Forty-ninth Kerr's Pocket Codes of California (five volumes), and of Frank Bell's Atlas edition of the Constitution of California; the same to be paid for out of the contingent fund of the Senate. That the Secretary of the Senate be and he is hereby directed to deliver one set of such Codes and one set of the Constitution to each Senator, and shall at the close of the thirty-ninth session of the Legislature turn over the books so delivered to him to the State Librarian.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES: Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cassidy, Cutten, Gates, Hans, Howitt, Hard, Larkins, Lewis, Rogers, Rosseter, Rush, Sanford, Shanahan, Stetson, Stralbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES: None.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on January 3, 1911, elected as Chaplain, Rev. Frank K. Baker, D. D., of Sacramento.

L. B. MALLORY, Chief Clerk.
By J. T. McBEAN, Assistant Clerk.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Boynton: Senate Constitutional Amendment No. 13—Proposed amendment to Article I of the Constitution, relative to trial by jury, by providing that three fourths of a jury may render a verdict in criminal cases, except where the death penalty may be inflicted, etc.

Constitutional amendment referred to Committee on Judiciary.

By Senator Regan: Senate Bill No. 205—An Act providing for a standard system of weights and measures for the State of California; authorizing the Secretary of State to be Superintendent of Weights and Measures; authorizing county clerks to be sealers of weights and measures; authorizing sealers to appoint deputies or inspectors of weights and measures; authorizing certain municipalities to appoint and provide for sealers and inspectors of weights and measures; prescribing the duties and powers of the Secretary of State, the duties and powers of governing or legislative bodies of counties, cities and counties, and certain municipalities, the powers and duties of sealers, the powers and duties of inspectors, and the powers and duties of district attorneys in relation to the standard system of weights and measures, and to enforce the provisions hereof; providing for the trying, proving, adjusting, marking, sealing, inspecting and examining of all weights, measures, scales, steelyards, balances, computing scales, patent balances, coal and hay scales, platform scales, and other weighing or measuring instruments, apparatus, or devices offered for sale, or used for purposes of buying or selling; providing for the fees to be collected by inspectors for their services; providing penalties for the violation of the provisions hereof; providing penalties for making, giving, or reporting any false or untrue weight or measure, for owning or having charge of any weights, measures, scales, or other weighing or measuring instrument enumerated herein, fixed for the purpose of misweighing or incorrectly measuring any property or article bought or sold, and for using any computing scale upon which the graduations are false or inaccurately placed either as to weight or price; authorizing in certain cases any person to sue in a justice's court for his own use and benefit for penalties imposed for violation hereof; providing for keeping the records and reports of inspectors as a public record, and directing sealers to furnish free of charge copies of same to assist in prosecutions under this Act; and making an appropriation to carry out the provisions hereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bryant: Senate Bill No. 206—An Act to amend section one thousand nine hundred and seventy of the Civil Code of the State of California, relating to the right of an employee, his heirs or personal representatives, to recover compensation for injury or death of an employee in the course of his employment, caused by the negligence of the employer.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

ADJOURNMENT.

At two o'clock and twenty minutes P. M., on motion of Senator Larkins, the President declared the Senate adjourned until Tuesday, January 10, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Tuesday, January 10, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avery, Behan, Bell, Bills, Birdsall, Black, Brewster, Bryant, Cannon, Cantrill, Cartwright, Cullen, Curran, Custer, Estabrook, Finn, Gates, Hans, Hays, Hewitt, Holman, Hunt, Jaffard, Larkin, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stedman, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—20.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wynnan.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 9, 1911, the further reading was dispensed with, on motion of Senator Rush.

RESOLUTIONS.

The following resolutions were offered:

By Senator Roseberry:

Resolved, That the following amount be paid to the several persons named in the Senate journal to its organization, the same being payable out of the Contingent Fund:

E. F. Stedman, Secretary to the President, 1901-1902 at \$6.00	\$12 00
J. F. Murphy, Page to the President, one day at \$2.50	2 50

SUSPENSION OF RULES.

Senator Roseberry moved that the rules be suspended, and the resolution taken up for consideration without reference to Committee on Contingent Expenses.

Motion carried.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Brewster, Cantrill, Cullen, Estabrook, Finn, Gates, Hans, Hays, Hewitt, Hunt, Jaffard, Larkin, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stedman, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

By Senator Roseberry:

Resolved, That Arthur Nagle be transferred from the position of stenographer, at \$5.00 a day, to the position of Committee Clerk, at \$4.00 a day.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Bryant, Cartwright, Curran, Cullen, Estabrook, Finn, Gates, Hans, Hewitt, Hunt, Jaffard, Larkin, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stedman, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received:

ON INAUGURAL CEREMONIES.

SENATE CHAMBER, SACRAMENTO, January 10, 1911.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration of Governor William W. Johnson and Lieutenant Governor A. J. Wallace, beg leave to report that in conjunction with the committee appointed by the Assembly, they have approved bills therefor aggregating the sum of \$402.60 as per Schedule A, annexed hereto and made a part hereof; that the payment of the said sum was under the terms of the resolution appointing your committee, to be made, one half, \$201.30, out of the Contingent Fund of the Senate and one half, \$201.30, out of the Contingent Fund of the Assembly. We, therefore, respectfully recommend the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw, on account of the expenses of said ceremonies, the sum of \$201.30, and the Controller is hereby requested to draw his warrants for the said sum in favor of M. Estudillo, chairman of the Committee on Inaugural Ceremonies on the part of the Senate, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Senate.

ESTUDILLO, Chairman.

SCHEDULE A.

Statement of Expense of the Inaugural Ceremonies, January 3, 1911.

To decorating -----	\$104 00
To firing salute of seventeen guns-----	30 00
Decoration of Assembly Chamber-----	15 00
Flags -----	21 00
Orchestra -----	50 00
Use of automobile-----	10 00
Ed H. Whyte, Sergeant-at-Arms-----	48 60
Automobile -----	9 00
To services of singers-----	80 00
To J. T. Stafford, preparing for ceremonies-----	30 00
To C. S. McMullen, secretary to committee-----	5 00
Total -----	\$402 60

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martulli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobeidge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Stetson: Senate Bill No. 207—An Act to amend Section 737 of the Political Code, relating to the salaries of judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Agriculture, Dairy-ing, Fruit and Vine Interests.

Also: Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Bill read first time, and referred to Committee on Agriculture, Dairy-ing, Fruit and Vine Interests.

Also, Senate Bill No. 210.—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Bill read first time, and referred to Committee on County Government.

Also, Senate Bill No. 211.—An Act prescribing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the state not limited by the Southern California Pathological Laboratory, and creating an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also, Senate Bill No. 212.—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specify the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Education.

Also, Senate Bill No. 213.—An Act making an appropriation of three hundred thousand (\$300,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the University for the accommodation of the students of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 214.—An Act to provide for experiments and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also, Senate Bill No. 215.—An Act to amend an Act entitled, "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also, Senate Bill No. 216.—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also, Senate Bill No. 217.—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen, of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University, and also to provide for the permanent support and improvement of the University of California, and to that end making a continuing appropriation and creating an annual fund therefor, and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14,

1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California by the levy of rate of taxation, and the creation of a fund therefor,' approved March 20, 1909.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Curtin: Senate Bill No. 218—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor' ", approved March 20, 1909.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 219—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds, providing for a commission for approving such bonds, and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller.

Bill read first time, and referred to Committee on Banking.

By Senator Boynton: Senate Bill No. 20—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 222—An Act to provide for the regulation of the business of watchman, guards and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 213—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees, to provide for its enforcement and a penalty for its violation.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Hare: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Constitutional amendment referred to Committee on Elections and Election Laws.

By Senator Wolff: Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

Constitutional amendment referred to Committee on Municipal Corporations.

By Senator Black: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws and amendments to the Constitution and to enact the same at the polls independent of the Legislature.

Constitutional amendment referred to Committee on Judiciary.

By Senator Haas: Senate Bill No. 224—An Act to amend section thirty-nine of an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the board of railroad commissioners,' approved April 15, 1880," approved March 19, 1909, relating to the granting of free pass or passes, or tickets at a discount by railroad or other transportation companies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Juilliard: Senate Bill No. 226—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 227—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 228—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home, at Eldridge, California, also the making of such changes as may be necessary in the present sewer system at said home, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 229—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 230—An Act making an appropriation for the erection and construction of a building on the grounds of the Sonoma State Home to be used as a school and assembly hall, and for furnishing the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 231—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 232—An Act authorizing and directing the reflooring of the nurse and main building at the Sonoma State Home, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 233—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home at Eldridge, California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 234—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Hewitt: Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any

sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Coffer: Senate Constitutional Amendment No. 17.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Concurrent Resolution No. 6.—An Act approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held thereon for that purpose, on the 21st day of June, 1909.

Concurrent resolution referred to Committee on Municipal Corporations.

Also: Senate Bill No. 52.—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read first time, and referred to Committee on Finance.

REPORT OF SENATE COMMITTEES—Continued.

The following report of standing committee was presented and read:

ON COMMERCE AND NAVIGATION.

SENATE COMMERCE, SACRAMENTO, FEBRUARY 10, 1914.

MR. PRESIDENT: Your Committee on Commerce and Navigation, of which you referred Senate Bill No. 72.—An Act to amend and improve Article 10 of Section 1228 of the Penal Code of the State of California, relating to the punishment of officers of vessels of the State, have had the honor, under consideration, and respectfully report the same with the amendments thereto to the Committee on County Government.

WELCH, Chairman.

Senate Bill No. 53 referred to Committee on County Government.

RECESS.

At seven o'clock and thirty minutes A. M., on motion of Senator Bell, the President declared the Senate at recess until eleven o'clock and fifty-eight minutes A. M.

RECONVENED.

At eleven o'clock and fifty-eight minutes A. M. the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The hour of twelve o'clock M. having arrived, the President of the Senate announced that it is now the time set for the election of a United States Senator in Congress from the State of California, to succeed Hon. Frank P. Flint, whose term will expire March 4, 1911.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes. An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1911, to succeed the Hon. Frank P. Flint, whose term of office will expire on the date already mentioned.

Hon. A. G. Spalding, of San Diego County, was placed in nomination by Senator Wright.

Hon. John D. Works, of Los Angeles County, was placed in nomination by Senator Gates.

Senator Stetson seconded the nomination of Hon. John D. Works.

Senator Cartwright seconded the nomination of Hon. John D. Works.

Senator Martinelli seconded the nomination of Hon. A. G. Spalding.

Hon. John E. Raker, of Modoc County, was placed in nomination by Senator Sanford.

Senator Wolfe seconded the nomination of Hon. A. G. Spalding.

STATEMENT BY SENATOR SHANAHAN.

Senator Shanahan addressed the Senate, and asked for, and was granted, unanimous consent to have his address printed in the Journal.

MR. PRESIDENT, I shall not act as the United States Senator in favor of John D. Works for the following reasons:

1. He received all of the Democratic votes and no United States Senator in his senatorial district at the primary election held on August 10, 1910.

2. He received the highest vote and the Democratic United States Senator in each of a large plurality of legislative districts at the said primary election.

3. He received a plurality at the said primary election of all the Democratic votes cast for that office.

4. He received a plurality of all the votes and the majority of all primary votes at the said primary election for that office.

For the reasons above given, numbered 1 and 2, under the law and fact I am directed to vote for John D. Works. Under the present proposed law 3 and 4 I am held to vote for him on the same principle that I have always acted for and understood for and that the Democratic party of the State should for that I must have vote should determine the winner of the United States Senator.

The priority of the Democratic vote and of the principle does not alter the law or the fact, or the principle involved. Under the law and fact and principle involved I shall record my vote for John D. Works for United States Senator and my recognition of the Senate that this explanation be printed in the Journal of their proceedings.

T. W. H. SHANAHAN.

Dated January 10, 1911.

STATEMENT BY SENATOR CAMINETTI

Senator Caminetti addressed the Senate and asked for and was granted unanimous consent to have his address printed in the Journal.

MR. PRESIDENT, Connected to the question that United States Senators should be elected by direct vote of the people and not governed by the parties I have during the last campaign, I took to heart based on this subject in Illinois the following state-wide vote cast at the recent election, wherein Hon. John D. Works received a plurality of the votes only used for that office. My position and your sign on this question was determined by what I considered the needs of the people and not by the wishes of a State vote. Under other conditions and other circumstances I would in this time cheerfully favor Hon. John D. Works as I have been very much only as a progressive Democrat, but also as a progressive American, committed to principles and actions which guarantee people's rule and protect people's rights in State and Nation.

Dated.

A. CAMINETTI.

STATEMENT BY SENATOR BURNETT

Senator Burnett addressed the Senate and asked for and was granted unanimous consent to have his address printed in the Journal.

MR. PRESIDENT, I made the original motion in the Senate to amend that the vote on United States Senator be advisory by district.

Nineteen men in the Senate at 1909 were such proponents for the advisory by district provision, as any one of them voting on the other side would have made the provision state-wide.

The provision of the Act that the vote is advisory by district operates in such a manner that those who believe they are bound by it under the law are helpless, while any man who may disregard the primary law is free to vote for whom he pleases.

This places the law-abiding man at the mercy of the man who disregards the law, having the same effect as the provision in the old party primary law, that the voter who would swear it was his personal intention to vote for a ticket at the following election would swing from side to side, while the man who regarded his oath would not do so.

A member of the Legislature is advised under the law to vote either for the candidate for United States Senator of his own political faith who carries his district or for the candidate of his own political faith who carries the greatest number of districts electing members of the Legislature of his own political faith.

This results in the following condition: That whenever legislators are asked to vote for a certain candidate do not follow the advice of their constituents they have those who believe they are bound under the law at the greatest disadvantage.

Members of an opposing political faith who have no candidate (such as the Democratic party in this instance) are left as free voters to determine the successful candidate of another party (in this instance the Republican), and together with such members as may disregard the advisory vote for United States Senator may easily defeat the candidate carrying the largest number of advised districts.

Again, Democrats may be elected who have pledged themselves to a certain Republican candidate where their party has no candidate at the primaries, and this again defeats this Act. This may, in a special instance, work for good, but it may just as readily work for evil.

After lying awake many hours considering this matter last night, I came to the final conclusion that no member of the Legislature is justified by any act of his, whether in the form of a law or otherwise, to so delegate the powers conferred upon

him by the Constitution of the United States that the present condition of affairs may exist, and that he is not bound under any such law even if he was largely instrumental in passing it.

I desire, and have always desired, to cast my vote to the best of my ability in the interest of the general welfare of the State. I believe the present law as affecting election of United States Senators to be an error.

It is not contemplated under the Constitution of the United States that the power of the legislators of the various states to elect United States Senators shall be delegated to various groups of electors in political parties, but rather that the legislators shall vote as independent men solely guided by the best interest of the State.

However, we know that this is not always the attitude of members of the Legislature. I am of the opinion that the present law is a failure.

I believe that no delegation of power of electing or suggesting the election of a United States Senator should be delegated to any combination of people other than the advisory vote of the whole State, naming the successful party candidates against each other, or else by advisory or directory vote under the Oregon plan. Only in this method can stability be assured.

I am forced to this conclusion, against my will, by the working of our present law. We are, in this instance, but little, if any, better situated than we were under the old law.

The same pulling and hauling goes on here with the same results as under the old regime.

I feel that I am at liberty to exercise my free choice, and shall vote for John D. Works for United States Senator.

LESTER G. BURNETT,

Twenty-fifth Senatorial District, San Francisco.

January 10, 1911.

Senator Cassidy seconded the nomination of Hon. A. G. Spalding.

Senator Juilliard seconded the nomination of Hon. John D. Works.

Senator Curtin seconded the nomination of Hon. John E. Raker.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows:

For A. G. Spalding—Senators Ellis, Cassidy, Martineau, Watts, and Wright—5.

For John D. Works—Senators Akey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cannetti, Cretwright, Cutrona, Eisdorfer, Finn, Gates, Hans, Hewitt, Hand, Jurland, Larkins, Lewis, Regan, Rossberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—20.

For John E. Raker—Senators Curtin, Hare, and Sanford—3.

For William Kent—Senator Holston—1.

Where number of votes cast

Necessary to a choice.....

A. G. Spalding received.....

John D. Works received.....

John E. Raker received.....

William Kent received.....

29

21

5 votes

20 votes

3 votes

1 vote

The President announced the result, and declared the Hon. John D. Works the choice of the Senate for United States Senator.

RESOLUTION.

The following resolution was offered:

By Senator Hewitt:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet the Assembly in the Assembly Chamber tomorrow, Wednesday, January 11, 1911, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

Resolution read, and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(BODY OF BILLS)

By Senator Stetson: Senate Concurrent Resolution No. 6—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified to the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

Concurrent resolution referred in Committee on Municipal Corporations.

LEAVE OF ABSENCE.

Senator Campbell was, on motion of Senator Holahan, granted leave of absence for this day.

ADJOURNMENT.

At two o'clock P. M., on motion of Senator Hurd, the President declared the Senate adjourned until Wednesday, January 11, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER.

Wednesday, January 11, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, on the chair.

The roll was called, and the following answered to their names:

Senators Avery, Beaman, Bell, Bots, Buschall, Buck, Byington, Byrnes, Byrnes, Cammeron, Casewright, Cassidy, Carson, Carlin, Cassin, Egan, Goss, Hale, Hare, Hewitt, Holahan, Hurd, Johnson, Lester, Jones, Marshall, Rogers, Rosberry, Rush, Sanford, Shattuck, Stetson, Strickland, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 10, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Tyrrell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator Frank W. Leavitt, of Oakland.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day had the following proceedings in the matter of the election of a United States Senator for California:

The roll was called, and as each Assemblyman's name was called he voted his choice for United States Senator as follows:

For A. G. Spalding—Messrs. Bennink, Brown, Coghlan, Cronin, Freeman, Griffith, Hayes, Hinkle, Joel, Judson, Kehoe, Lynch, March, Schmitt, Stevenot, Williams—16.

For John D. Works—Messrs. Beatty, Bickett, Benedict, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gardes, Griffin, Guill, Hall, Hamilton, Harlan, Hinshaw, Jasper, Jones, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Matone, McDonald, McGowan, Mendenhall, Mott, Mulhally, Nolan, Polesley, Preisker, Randall, Rindinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shrago, Slater, Smith, Strackenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—62.

For E. A. Meserve—Mr. Held—1.

The Speaker announced the result, and declared Mr. John D. Works the choice of the Assembly for United States Senator. The following resolution was adopted:

Resolved, That the Chief Clerk be, and he is hereby, directed to inform the Senate of the vote for United States Senator in this House taken this day, and requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 11, 1911, at twelve o'clock noon, in Joint Assembly, for the purpose of electing, or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

L. B. MALLORY, Chief Clerk.

By J. T. McBEAN, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day read and adopted Assembly Concurrent Resolution No. 5:

Resolved by the Assembly, the Senate concurring, That a committee of seven be appointed, four by the Speaker of the Assembly and three by the President of the Senate, for the purpose of deciding as to the advisability of erecting a new mansion for the Governor.

L. B. MALLORY, Chief Clerk.

By THOS. G. WALKER, Assistant Clerk.

SUSPENSION OF RULES.

Senator Boynton moved that the rules be suspended, and Assembly Concurrent Resolution No. 5 be taken up for consideration without reference to Committee.

Motion carried.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—OUT OF ORDER.

ASSEMBLY CONCURRENT RESOLUTION No. 5.

Resolved by the Assembly, the Senate concurring, That a committee of seven be appointed, four by the Speaker of the Assembly and three by the President of the Senate, for the purpose of deciding as to the advisability of erecting a new mansion for the Governor.

Assembly Concurrent Resolution No. 5 read.

The question being on the adoption of Assembly Concurrent Resolution No. 5.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Chasen, Finn, Gates, Hans, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Marnelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

LEGISLATIVE.

The President of the Senate announced that he would withhold the appointment of the committee provided for by Assembly Concurrent Resolution No. 5 until a future time.

RESOLUTION—(To be read.)

The following resolution was offered:

By Senator Roscherry:

Resolved, That the following named persons do and have not become, respectively, the respective positions with the commissions and agencies there listed, payable weekly, and the Controller is hereby directed to draw the amounts in favor of the same, and the Treasurer is hereby directed to pay the same:

M. E. Duen	Commission Clerk, per day	\$5.00
E. A. O'Brien	Commission Clerk, per day	4.00

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avery, Bills, Birkhead, Black, Brewster, Brewster, Carver, Cassidy, Curran, Curran, Davidson, Gates, Hays, Hays, Hewitt, Harl, Juddard, Larkins, Lewis, Martinelli, Regan, Roscherry, Sanford, Stanton, Sisson, Smedley, Thompson, Tyrrell, Walker, Welch, Wells, and Wright—33.

NOES—None.

Whereupon the President declared the above named persons had been elected.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up, and read:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, January 11, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

Arthur Leone, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, and A. B. Cross, of Los Angeles, superintendent thereof.

E. T. Earl, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, and Harry H. Mayhew, of Alhambra, superintendent thereof.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,

Governor of the State of California.

Message referred to Committee on Executive Communications.

RESOLUTION.

The following resolution was offered:

By Senator Roscherry:

Resolved, That Samuel Knight be transferred from the position of stenographer, at a salary of \$5.00 per day, to the position of stenographer clerk, at a salary of \$4.00 per day, and that Paul Freeman be transferred from the position of stenographer, at \$5.00 per day, to the position of clerk of the Finance Committee, at \$6.00 per day.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avery, Bills, Birkhead, Black, Brewster, Brewster, Carver, Cassidy, Curran, Curran, Davidson, Gates, Hays, Hays, Hewitt, Harl, Juddard, Larkins, Lewis, Martinelli, Regan, Roscherry, Sanford, Stanton, Sisson, Smedley, Thompson, Tyrrell, Walker, Welch, Wells, and Wright—33.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received, and read :

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 11, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses to whom was referred the following resolution:

Resolved, That the Controller of State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of fifteen dollars, to be used as a postoffice revolving fund, and the Treasurer is directed to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Catten, Estadillo, Gates, Haas, Hall, Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 3—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District'; to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties, and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MARTINELLI, Chairman.

Senate Bill No. 3 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Holohan: Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

Joint resolution referred to Committee on Federal Relations.

By Senator Lewis: Senate Bill No. 237—An Act to add a new section to the Political Code, to be numbered 4041b, relating to state conventions of boards of supervisors.

Bill read first time, and referred to the Committee on County Government.

By Senator Larkins: Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and providing for the payment of

such bonds by taxation of the property situated in such reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Stetson: Senate Bill No. 239—An Act to appropriate the sum of one hundred thousand (\$100,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 23, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 242—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure of the State of California, providing for the assigning and setting apart of the property of small estates of decedents for the use and benefit of widows and minor children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 243—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California, of 1909, page 948.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 245—An Act entitled "An Act to amend section one thousand nine hundred and ninety-one of the Code of Civil Procedure of the State of California, relating to contempt of court committed by witnesses."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 246—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hans: Senate Bill No. 248—An Act to appropriate the sum of two hundred and fifty thousand dollars for the acquisition of land and the erection, construction, equipment, and furnishing of an armory thereon, in the city of Oakland, for the use of the National Guard of the State of California.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Hewitt: Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California relating to the granting of injunctions for the use of water.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 251—An Act to amend section twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Shanahan: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section seven of article nine thereof, relating to boards of education and text-books, and providing for free text-books.

Constitutional amendment referred to Committee on Education.

Also: Senate Bill No. 252—An Act amending Section 1634 of the Political Code, relating to duty of Census Marshal.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 253—An Act to repeal Section 632*b*3, sometimes designated as section 632 3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 254—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 255—An Act amending Section 4300*a* of the Political Code, relating to county clerks' fees.

Bill read first time, and referred to Committee on County Government.

By Senator Walker: Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled: "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Roseberry, Senate Bill No. 257—An Act to amend Section 198 of the Civil Code relating to the sale, custody, education, and control of minors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright, Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the state of Don M. Stewart against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Burnett, Senate Bill No. 259—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas."

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn, Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats "David S. Russell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Bill read first time, and referred to Committee on Commerce and Navigation.

LEAVE OF ABSENCE.

Senator Campbell was, on motion of Senator Holahan, granted leave of absence for this day.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Stetson, the President declared the Senate at recess until eleven o'clock and fifty-five minutes A. M.

RECONVENED.

At eleven o'clock and fifty-five minutes A. M. the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MOTION.

Senator Stetson moved that the Sergeant-at-Arms be instructed to forthwith place on the desk of each Senator a copy of all bills that have been returned by the printer.

Motion carried.

APPOINTMENT OF COMMITTEE.

The President of the Senate announced the appointment of Senators Birdsall, Bills, and Gates on the committee provided for under Assembly Concurrent Resolution No. 5.

ANNOUNCEMENT.

At eleven o'clock and fifty-nine minutes A. M., the President announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Frank P. Flint, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 11, 1911.

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and the Assembly then met in joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Section 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Albert J. Wallace, President of the Senate, in conjunction with the Hon. A. H. Hewitt, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators: Avey, Roban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Steason, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Benedict, Benmink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gayford, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsey, Preisker, Randall, Runkinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenson, Stuckenbruck, Sutherland, Teltier, Tibbats, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. Frank P. Flint, as such, was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes. An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Section 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State

in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

Sec. 15. Such election shall be conducted in the following manner: Each House shall assemble on some convenient day, each member present, save one present for Senator in Congress from such State, and the name of the person so saved, he who occupied a majority of the entire number of members in such House, shall be entered upon the Journal of that House, by the Clerk or Secretary thereof, or if neither of them fails to do so, such member, by the person so saved, may then shall be entered in the Journal. At the same time he, on the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the said person, by receiving a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of such House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a vote of one vote of each member present, a person for Secretary, and a person who occupies a majority of all the votes of the Joint Assembly, a majority of all the members present in both Houses being present and voting, shall be declared duly elected. If no person occupies such majority on the first day, the Joint Assembly shall meet on another day, and if, on such succeeding day, during the session of the Legislature, and about 14 days at least, no vote shall a Senator is chosen.

Sec. 16. Whenever, at the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and adjournment, to elect a person to fill such vacancy in the limited period of the following session, on the election of a Senator for a full term.

Sec. 17. Whenever, during the session of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, certain proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has session of such session.

Sec. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

Sec. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President of the Senate, then read from the Journal of the Senate of Tuesday, January 10, 1911, which was the second Tuesday after the organization of the thirty-ninth session of the Legislature of California, so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Frank P. Flint, a United States Senator from California, whose term of office is about to expire, whereby it appeared that thirty-nine senators were present, each voting for his choice, and that

Hon. John D. Works received	39 votes
Hon. A. G. Spalding received	7 votes
Hon. John E. Raker received	3 votes
Hon. William Kent received	1 vote

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. John D. Works had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1911.

The Chief Clerk of the Assembly, by the direction of the Speaker, then read from the Journal of the Assembly of Tuesday, January 10, 1911, which was the second Tuesday after the organization of the thirty-ninth session of the Legislature of the State of California, so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Frank P. Flint, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-nine members of the Assembly were present, and voted each for his choice, and that

Hon. John D. Works received	62 votes
Hon. A. G. Spalding received	16 votes
Hon. E. A. Meserve received	1 vote.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that the Hon. John D. Works had received a majority of the votes of the Assembly, and declared him the choice of the Assembly for United States Senator, to fill the term commencing March 4, 1911.

The President of the Senate, Hon. Albert J. Wallace, then declared as follows: "It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. John D. Works received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. John D. Works duly elected United States Senator in the Congress of the United States from the State of California for the term commencing March 4, 1911."

RESOLUTIONS.

The following resolution was offered:

By Senator Boynton:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be, and they are hereby, directed to prepare and transmit herewith to the Governor of the State of California, a copy of the proceedings of this Joint Assembly pertaining to the election and seating of the Senator-elect from the United States Senate in Congress from California for the term of six years, beginning March 4, 1911, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and the Secretary of the Senate and the Speaker and the Chief Clerk of the Assembly.

Resolution read, and adopted.

The following resolution was offered:

By Mr. Joel:

Resolved, That the Honorable John D. Works, United States Senator-elect from the State of California, be invited to appear before, and address the members of, this Joint Assembly.

Resolution read, and adopted.

The President of the Senate appointed Senator Boynton and Mr. Joel a committee to escort the Hon. John D. Works, United States Senator-elect from the State of California, to the Joint Assembly.

The Sergeant-at-Arms announced the arrival of the committee with the Hon. John D. Works, United States Senator-elect from the State of California, at the bar of the Joint Assembly.

The President of the Senate presented the Hon. John D. Works, United States Senator-elect from the State of California, to the members of the Joint Assembly.

The Hon. John D. Works, United States Senator-elect from the State of California, addressed the Joint Assembly as follows: and the address was, on motion of Senator Carter, ordered printed in the Journal of the Joint Assembly:

ADDRESS OF THE HON. JOHN D. WORKS, UNITED STATES SENATOR-ELECT FROM THE STATE OF CALIFORNIA.

Members of the Legislature of the State of California:

I thank you sincerely for the honor you have done me in electing me United States Senator. I am glad to be able to say to you and to the people of California, that I accept the office absolutely free and independent. Free to do my duty as I see my duty, independent of any domination, control, or influence by any man, corporation, or private interest of any kind.

In a broader sense, I am not independent. I hope I appreciate the grave responsibilities you have imposed upon me by electing me to this great office. In

meeting those residents here, I used the long stream and memory of an old woman who bore the name of the Sash and called it Sash. I have lived in the southern part of the Sash for many years and I know the condition and needs fairly well. But the north is entitled to its share of the benefit, as Sash is north and as fairly as in the south and I also wanted to inform myself of its needs, so that I may be better able to share Sash with the inhabitants of Egypt.

I have just little to say in answer to those to the President's address of the body, who have given me their usual "I am a poor old man" and "I am a poor old man" at the times, an evidence of the fact that good men in office are no longer paid to put themselves in any way to support the cause of the poor man, the true medium that is wanted at the time.

I am most eager to the United States to join the Republican party, intent to serve the African people of the South and nation.

I believe its political parties had not been accustomed to supply any of the will of the people. What a party wishes to do is to get the support of business & interest of the police, wealthy and a change in our law institutions.

This is not the time or place to discuss political theories, and I am not going to detain you for any such purpose. But there are some certain fundamental principles of government, governing these things, which are common and should be the property of every citizen of this country. I desire, in this position, to declare my intention to those attending and my determination to insist, as a public official, to establish and maintain them. They were birthed in the State platforms of both the leading parties at California's Foundation, but are the property in their nature. Among them may be mentioned the system of United States Senators by direct vote of the people; the maintenance of a general education, the elimination of boss rule, the right to influence from our public, and the removal of all property-grabbing incomes from public duty; and the maintenance of our government, State and national, in the hands of a government controlled by the citizens, kept in the best of conditions in production, life and abroad, and the establishment of a national industrial conference to **adjust such rates**; the establishment and maintenance of a government-owned or controlled line of steamers connecting the Pacific ports with the Eastern Seaboard, and a government-owned or controlled line of steamers between the Pacific and Atlantic ports, through the Panama Canal, thus insuring direct dependence, including the anti-trust, referendum, and recall, and the granting of the vote to suffrage to women. But to summarize these notions and interests are to summarize as a government of the people, we must mention the *freedom and independence* of the individual voter and make his vote as good as any other vote, while any and every man that owes a knowledge allegiance to the Southern Pacific Railroad Company or any other corporation or private interests, interests to the interests of the State or nation.

One of the greatest and most important duties in this country is the duty of the corporations, the trusts, the private business, the labor unions and family offices, seeking special privileges, and obtaining and holding them by every possible means. The Government of this State has declared its intention of meeting and all these interests and influences from the other side of the State. He means in the end what he says he will do. In this position and position, perhaps he should have the earnest support of every good citizen of the State, without regard to his political affiliations or beliefs.

Practically the same thing should be done with respect to the Federal officers in this State. They are interested and occupied in the affairs of the country. They come and go at the beck and call of their masters, without regard to the interests of the people.

For one, it is my purpose to aid Governor Johnson in his efforts to reform this great State of ours from corrupt practices and to make merit and competence the basis of appointments to office, and I will do everything in my power to establish this same standard that has been passed in the writing of Federal constitutions and to root out of the public service men who have assumed their places as a reward for helping to degrade and pollute the politics of the State.

I am a progressive Republican. I believe in the principles that the insurgents in Congress are struggling to maintain in the interests of the people. It is my purpose to stand for progressive measures in legislation, no matter what may be its origin, and without partisan bias. The people are crying out for justice and not for partisanship, for the establishment of the rights of the people and not for the preservation or perpetuation of political parties. The party that does not respond to this cry, will be swept out of existence. I shall ever strive to my duties as your Senator, with a full understanding of this sentiment of the people of this State, and the nation, and act accordingly.

READING AND APPROVAL OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly, and, on motion of Senator Boynton, the same were approved.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes P. M., the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALBERT J. WALLACE,

President of the Senate.

WALTER N. PARRISH,

Secretary of the Senate.

A. H. HEWITT,

Speaker of the Assembly.

L. B. MALLORY,

Chief Clerk of the Assembly.

R. H. JACKSON,

Minute Clerk of the Senate.

H. A. HARPER,

Minute Clerk of the Assembly.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty-eight minutes A. M. the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

ADJOURNMENT.

At one o'clock P. M., on motion of Senator Wolfe, the President declared the Senate adjourned until Thursday, January 12, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Thursday, January 12, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Bradwell, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Curren, Estabrook, Finner, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Marzullo, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tynnell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 11, 1911, the further reading was dispensed with, on motion of Senator Roast.

PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber for this day, was unanimously extended to Samuel Pollman, Jr., of Alameda county.

RESOLUTIONS.

The following resolution was offered:

By Senator Shanahan.

WHEREAS, It is the requirement of Section 7, of Article IX, of the Constitution that a uniform series of text-books shall be purchased and adopted by the State Board of Education for use in the common schools throughout the State; and

WHEREAS, Subdivision 1, of Section 1964, of the Political Code, and the last sentence of Subdivision 5, of Section 1771, of the Political Code, limit by their language with the plain intent and understanding of the Constitution in that respect, and

WHEREAS, The only provisions for the method of study in high schools and restriction upon change of text-books therein are contained in Section 1769 of the Political Code, which said section seems to facilitate rather than prevent frequent changes in high school text-books; and

WHEREAS, There appears to be no provision in the law for uniformity in text-books for use in the high schools of the various counties and cities and counties of the State; and

WHEREAS, Many citizens of the State are complaining of the frequent and needless changes within each of many counties and lack of uniformity throughout the State in the text-books required to be used in the common schools and in the high schools of the State; and

WHEREAS, Such condition imposes a needless and serious burden upon many families in the State; therefore, be it

Resolved by the Senate: That the President of the Senate is hereby authorized and directed to appoint a special committee of five members, whose duty it shall be to investigate both the law and the fact with reference to changes and lack of uniformity in the common school and high school text-books provided to be used under the Constitution and laws of this State, in the various counties and cities and counties of the State, and be it further

Resolved: That said committee, after making such investigation, report to the Senate upon the law and fact of the subject named in the preceding resolution, and also prepare and report such bill or bills as may be necessary to carry into effect the prevention of frequent and needless changes and lack of uniformity in school text-books in this State; and be it further

Resolved: That said committee investigate and report to the Senate upon the advisability of amending Section 7, of Article IX, of the Constitution so as to provide for the compiling, printing, and adoption of a uniform series of school text-books for use in the common schools, to be purchased and distributed to the State free of any charge, for the use of all pupils attending such common schools; and be it further

Resolved: That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved: That the Secretary of the Senate is hereby instructed to assign for duty to such committee a sergeant-at-arms and such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

MOTION.

On motion of Senator Shanahan, the resolution was read and ordered printed in the Journal.

Motion carried.

SPECIAL ORDER SET.

Senator Shanahan moved that the further consideration of the resolution be postponed, and made a special order for Friday, January 13, 1911, immediately after the reading of the Journal.

Motion carried.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Hans:

Resolved, That on and after this date the number of persons or newspapers to whom copies of bills shall be mailed by the Sergeant-At-Arms shall be limited to ten to each Senator, and the Senators are requested to hand their list of names to the Press Mailing Clerk.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received, and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 115—An Act to amend the Political Code by adding to Article X111 of Chapter IV, Title 11, Part IV thereof, a new section, to be numbered section four thousand and eighty-eight *a*, relating to the issuance of county bonds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STETSON, Chairman.

Senate Bill No. 115 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 3—Approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

Also: Senate Concurrent Resolution No. 4—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Senate Concurrent Resolution No. 3 and Senate Concurrent Resolution No. 4 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Avey: Senate Bill No. 261—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems of modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act which section shall be numbered 13*a*, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties

for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

Bill read first time and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of medical examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and to amend and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in this Act.

Bill read first time and referred to Committee on Public Health and Quarantine.

By Senator Cullen: Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Comptroller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER

On motion of Senator Cullen, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 263.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Cullen: Senate Bill No. 264—An Act to amend Section 596a of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 265—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 267—An Act to repeal Section 453 of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read first time, and referred to Committee on Corporations.

By Senator Strobridge: Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Bill read first time, and referred to Committee on County Government.

By Senator Larkins: Senate Bill No. 269—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the

State of California for property sold and deeded thereto for non-payment of taxes, and of proceeding had for sale of same by the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendments thereof, by amending Section 206 of said Act relating to counties of the forty-ninth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 271—An Act to add a new section to the Civil Code, to be numbered seven hundred and nineteen, and relating to leases for hunting privileges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social, and benevolent corporations and other corporations not organized for pecuniary profit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 276—An Act to amend Section 626b of the Political Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child" as established in said Section 1.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 12—Proposed amendment to Section 15, of Article 20, of the Constitution.

Constitutional amendment referred to Committee on Judiciary.

By Senator Cameron: Senate Bill No. 279—An Act to establish the California State Highway, to define its course, to provide for its supervision, construction, repair, and maintenance, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Gates: Senate Bill No. 280—An Act to amend section six hundred and sixty-three of the Code of Civil Procedure, relating to rendering and vacation of judgment upon answers to questions of fact by the court or jury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 281—An Act to amend section six hundred and three of the Code of Civil Procedure, relating to trial of challenges of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 282—An Act to amend Sections 951a, 953b, and 953c of the Code of Civil Procedure, relating to papers on appeal, bond to pay cost of transcript, and use and service of papers thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 283—An Act to amend Section 98 of the Civil Code, defining desertion in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 284—An Act to amend Section 94 of the Civil Code, defining extreme cruelty.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 285—An Act to amend Section 128 of the Civil Code, relating to residence of plaintiff in divorce proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 286—An Act to amend Sections 2020, 2021, 2022, 2023, 2027, and 2031 of the Code of Civil Procedure, relating to the taking of depositions by either party.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 287—An Act to amend Section 1010 of the Code of Civil Procedure, relating to service of notice of an order or ruling of court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 288—An Act to amend section six hundred and thirty-two of the Code of Civil Procedure, relating to decision of issues of fact by court upon request of parties to case.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hans: Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the

assessment, collection, custody, and disbursement of taxes therein, and to create boards of library trustees, approved April 12, 1909.

Bill read first time, and referred to Committee on County Government.

By Senator Rush: Senate Bill No. 290—An Act to provide for the control and supervision of levee and embankment construction in the reclamation of lands that must be protected from the overflow by levees, and appropriating money to carry out its provisions.

Bill read first time, and referred to Committee on Drainage, Swamp, and Overflowed Lands.

By Senator Holohan: Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Regan: Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 293—An Act to add a new section to the Penal Code, to be known as Section 397½ thereof, to regulate the sale of intoxicating liquors in less quantity than one quart, when the same is sold to be consumed on the premises.

Bill read first time, and referred to Committee on Public Morals.

By Senator Juilliard: Senate Bill No. 294—An Act appropriating \$2,500 for the restoration and rebuilding of the old Greek chapel and Russian fort, known as Fort Ross, at Fort Ross, Sonoma County, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano, at the city of Sonoma, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Birdsall: Senate Bill No. 296—An Act to amend the title and sections one, two, three, four, and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, approved March 31, 1891, amended March 5, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities and amendments thereto.

Constitutional amendment referred to Committee on Elections and Election Laws.

By Senator Roseberry: Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stolsen: Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of voluntary associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed or loaned by such associations, and punishing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures, or advertisements on or upon property of the State of California, or on or upon property of any city, city and county, or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures, or advertisements upon property of any person or private corporation, without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures, and advertisements to be a public nuisance.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read first time, and referred to Committee on County Government.

By Senator Cassidy: Senate Bill No. 305—An Act to amend section twenty-four hundred and forty of the Political Code of the State of California, relating to Pilot Commissioners for San Francisco, Mare Island, and Benicia, and how appointed.

Bill read first time, and referred to Committee on Commerce and Navigation.

RESOLUTION—OUT OF ORDER

By Senator Burnett:

WHEREAS, The Senate Committee on Contingent Expenses is unable to determine the property of the Senate left in the committee rooms at the adjournment of the thirty eighth session of the California State Legislature, owing to the fact that there is no inventory of property to be found and accordingly none was made at the close of said session; and

WHEREAS, Your Committee on Contingent Expenses is unable to find some of the property of the Senate which is believed to have been in the committee rooms at the close of the last session; and

WHEREAS, Your committee is informed that it is the custom of the State officials permanently located in the Capitol building in the city of Sacramento during the time between the adjournment of the Legislature and the commencement of the next session to borrow from said committee rooms, without permission, desks and other property of the Senate, some of which we have not as yet been able to locate.

Resolved, That the Committee on Contingent Expenses is instructed to make an inventory of the property of the Senate in the committee rooms, and upon the adjournment at the end of the thirty-ninth session file said inventory with the Secretary of State, and that the Committee on Contingent Expenses be, and is hereby, instructed to send a written request to the various State officials having offices in the Capitol building at Sacramento requesting that no property of the Senate be removed from the Senate Chamber, or from any of the committee rooms of the Senate, at any time, without express permission of the Senate, and particularly that no property be removed from said rooms when the Legislature is not in session.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 3—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

LEAVE OF ABSENCE.

Senator Campbell was, on motion of Senator Holohan, granted leave of absence for this day.

ADJOURNMENT.

At eleven o'clock and forty-five minutes, on motion of Senator Stetson, the President declared the Senate adjourned until Friday, January 13, 1911, at eleven o'clock A. M.

IN ASSEMBLY.

SENATE CHAMBER,

Friday, January 13, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Burdick, Byrant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hays, Hewitt, Holohan, Hurd, Jambard, Larkins, Lewis, Martinelli, Regan, Roschopf, Rush, Shandhan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wynant.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 12, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Waller was, on motion of Senator Ellis, granted leave of absence for this day.

Senator Black was, on motion of Senator Thompson, granted leave of absence for this day.

Senator Hans was, on motion of Senator Juddard, granted leave of absence for this day.

Senator Cammelli was, on motion of Senator Shanahan, granted leave of absence for this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the resolution offered January 12, 1911, by Senator Shanahan, the same was taken up for consideration.

MOTION.

Moved by Senator Strebidge, that resolution be referred to the Committee on Education and said committee to be increased by adding Senator Shanahan.

Motion carried.

RESOLUTIONS.

The following resolutions were offered:

By Senator Strebidge:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for passage, freights, and incidental expenses in the making of official notices, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Roseberry:

Resolved, That the following named persons be, and they are hereby, appointed to the respective positions, as provided by law, with the compensations set against their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective names and the Treasurer is directed to pay the same:

E. W. Ellis	Committee Clerk	\$4.00 per day
J. T. Walker	Printer	3.00 per day

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

Ayes—Senators Avey, Bell, Ellis, Birdsall, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cotton, Fendley, Fenn, Gates, Hans, Hewitt, Juddard, Larkins, Lewis, Martindell, Regan, Rossmore, Rush, Shanahan, Stetson, Strebidge, Thompson, Tyrrell, Wolfe, and Wright. 30.

Noes—None.

Whereupon the President declared that the above named persons had been elected.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received, and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined Senate Bill No. 3—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 3 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Also: Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 22 and 236 ordered on file for second reading.

CASE OF URGENCY.

The following resolution was offered:

By Senator Cutten:

Resolved, That Senate Bill No. 22 and Senate Bill No. 236 each presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Bill read first time previously.

Read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also: Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read first time previously.

Read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 236 passed by the following vote:

AYES—Senators Avey, Bell, Bick, Bissell, Brewster, Briggs, Cartwright, Cassady, Curtin, Cutton, Eastman, Evans, Gentry, Hays, Hume, Hunkley, Johnson, Larkin, Lewis, Matthews, Rogers, Rosberry, Rush, Shattuck, Smith, Thompson, Updell, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(THIS MORNING)

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 118, An Act to amend section three hundred six hundred and fifty-four of the Political Code, relating to the duties of county assessors, have had the same under consideration, and respectfully report the same back and recommend that the same be referred to the Committee on Revenue and Taxation.

STETSON, Chairman.

Senate Bill No. 118 ordered referred to Committee on Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 66, An Act regulating the cutting of timber on forest lands within the State of California by requiring the burning of seedlings, and the burning of seed trees for the reproduction of forests; providing for the appointment of inspectors for the enforcement of these regulations; and making an appropriation to provide for the expense in connection therewith, have had the same under consideration, and respectfully report the same back with amendments, and recommend that the bill do pass as amended and be referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 66 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 43, An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Walter State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10, relating to probation officers in counties of the eighth, tenth, sixteenth and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Also: Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 43 and 133 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 168—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors. Have had the same under consideration, and respectfully report the same back, and recommend that the bill do not pass.

STETSON, Chairman.

Senate Bill No. 168 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 168—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Senate Bill No. 168 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California a new section to be numbered Section 2 of Article II thereof, relating to the right of suffrage, have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Constitutional Amendment No. 1 ordered on file.

WITHDRAWAL OF BILL.

Senator Lewis asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California a new section to be numbered Section 2 of Article II thereof, relating to the right of suffrage.

Senate Constitutional Amendment No. 1 withdrawn, and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Boynton: Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting, and the conduct of elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

Joint resolution referred to Committee on Commerce and Navigation.

By Senator Roseberry: Senate Bill No. 307—An Act providing for the organization and management of mutual fire insurance companies and defining the same, and repealing an Act providing for the organization and management of mutual fire insurance companies (approved March 19, 1907, Stats. 1907, p. 631).

Bill read first time, and referred to Committee on Corporations.

By Senator Funn: Senate Bill No. 308—An Act to establish a state farm for women, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Regan: Senate Bill No. 309—An Act concerning baggage and excess baggage carried by common carriers, prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson (by request): Senate Bill No. 310—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 311—An Act to amend section nineteen hundred and ninety-one of the Code of Civil Procedure of California, relating to witnesses and depositions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 312—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 313—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 314—An Act to amend section one thousand and thirty-four of the Code of Civil Procedure of the State of California, relating to the taxation of costs in the appellate courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 315—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.00.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 316—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the service of summons in civil actions in Justice Courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 317—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 318—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred sixty-seven *a*, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 319—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 320—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations, by corporations for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 321—An Act to amend sections fourteen hundred ninety, fourteen hundred ninety-three, fourteen hundred ninety-four, fourteen hundred ninety-five, fourteen hundred ninety-six, and fifteen hundred four of the Code of Civil Procedure, relating to claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 322—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 323—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 324—An Act to amend section nine hundred and fifty-four of the Penal Code of California, relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 325—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 326—An Act to amend section three hundred ninety-seven *b* of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 327—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 328—An Act to amend section one thousand and seventy of the Penal Code of California, relating to peremptory challenges.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 329—An Act to amend section two hundred and sixty-nine *a* of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 330—An Act to amend section two hundred and sixty-nine *b* of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 331—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 332—An Act to amend section five hundred and seven of the Penal Code of California, relating to the embezzlement of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson : Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties, and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties, and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees, and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878"; and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners, approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 29, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

Bill read first time, and referred to Committee on Corporations.

By Senator Stetson : by request : Senate Bill No. 334—An Act to amend section nine hundred and seventy-one of the Penal Code of California, relating to criminal procedure.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 335—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 336—An Act regulating the payment of wages of unskilled manual laborers, prohibiting the assignment of future wages of such laborers, and prescribing a penalty for the breach of such act.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Hurd: Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration, and misbranding of insecticides or fungicides, or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Bill read first time, and referred to Committee on Agriculture, Dairy-ing, Fruit and Vine Interests.

By Senator Hewitt: Senate Bill No. 340—An Act to add a new section to the Political Code, to be numbered section twenty-six hundred forty-six, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Juilliard: Senate Bill No. 341—An Act to regulate the organization of fraternal insurance associations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 342—An Act providing for the purchasing of a site for an armory for the National Guard at the city of Petaluma, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 343—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Santa Rosa, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

SPECIAL MESSAGE FROM THE GOVERNOR.

The following special message from the Governor was received:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, January 13, 1911.

To the Honorable Legislature of the State of California:

There has been presented to you to-day a bill, the design of which is to accord the Railroad Commission of the State of California the amplest power to act intelligently and justly and with firmness and precision in matters arising between the people on the one hand and the railroads of the State upon the other. The bill has been prepared after great deliberation and study, and comes to you with the sanction of those who are most familiar with the subject embraced within it. It is presented now in pursuance of the policy that has been announced by the various parties within the State of California and in pursuance of the policy that was outlined at the commencement of this administration. I am sure that I need not ask that it receive from you the closest scrutiny, and that it be taken up at the earliest moment consistent with your labors and compatible with a clear understanding of its provisions.

That the necessity for action exists in the matter of freight railroads from within the State of California is demonstrated by the Santa Fe, Northern, and Great West, three of the five independent lines operating the only regular interstate commerce with which the people of this State have been connected. I quote to you some of the facts that I am informed are now being learned and known. No other transportation line, the more objection of those against its necessity is based on any economic grounds to afford the people of the State of California adequate relief from the extortion of transportation extortions.

The distance from River Station in the city of Los Angeles to San Pedro Station in San Pedro is twenty-three miles. The freight rates average on the San Pedro line for this distance about \$2.00 a ton. Merchandise that has been hauled from San Pedro to Los Angeles a hundred goods, or from Los Angeles to San Pedro, are identical with the rates charged between San Diego and Los Angeles, a distance of 120 miles. The rates charged from Los Angeles to San Pedro are practically eight of nine times higher than the rates charged on all interstate commerce in the United States. The cost of this is in part Los Angeles, instead of transportation, miles from deep water, consequently, more than one hundred and twenty miles from deep water, and that, at the cost of Los Angeles from the river, within the seventy limits. The rate, I am informed, on goods from San Pedro to Los Angeles is \$2.00 a ton, from Honolulu to San Pedro \$1.15 per ton. The Southern Railway, Los Angeles looks for much of the traffic in the State in the next transportation, and gives that it uses. The freight rates from the cities in Los Angeles are heavily and in proportion to those charged for like distances in other parts of the country.

From San Francisco to Fresno is approximately 200 miles, some considerable inland country. The first class rate, which covers some three and a half carloads of first class goods like apples, is 55 cents per hundred. The fourth class rate, which covers on cotton goods, sugar, and other staples, is 34 cents per ton, which is one hundred and 34 cents for one hundred goods in one load rate. The rate on Bakersfield fruit from San Francisco is 83 cents per hundred, and in the fourth class, including sugar, animal goods, and other similar staples, shipped in car load quantities, the rate is 56 cents per hundred. Rail road from San Francisco to Fresno is New York is only 58 cents per hundred pounds for car load shipments, or fourth class, as compared with the charge of 52 cents for car loads fourth class for a haul of 200 miles from San Francisco to Fresno. Goods of the same class can be shipped to New York via steamship, including all charges at the Island of Panama, for 40 cents per hundred pounds, and then in two cents per hundred pounds less than the ground rate and rate on similar goods of goods for a haul of 200 miles from San Francisco to Fresno, and in the alternative to New York via steamship there are some two and a half times at the Island, but it has over the Panama railway of approximately 50 miles.

I quote to you now some of the rates in this State as compared with the conditions in other parts of the United States. These conditions have been very kindly furnished me by Mr. William R. Wheeler of San Francisco, and the comparisons are made of localities where the conditions are as nearly as possible similar, with those existing in California. In this connection, it may be observed that the ownership of railroads in the two great valleys of this State is as nearly ideal as it would be possible to find anywhere in the world. The owners are practically local, conditions are advantageous, and the fuel supply is abundant and best of kind.

STOCKTON TO FRESNO

From Stockton to Fresno the short line distance is 122 miles, and the average rate per ton per mile is 5.11 cents. The rate on the Union Pacific Railroad, Omaha to Havens, Neb., 115 miles, averages 3.92 cents, and by the same road, Kansas City to Junction City, Kans., 139 miles, 3.72 cents. The rates established as maximum by the Railroad and Warehouse Commission of Missouri for 120 miles, average for the ten classes 2.83 cents per ton per mile, those established by the Railroad and Warehouse Commission of Illinois average 2.65 cents, and those established by the Railroad Commission of Iowa average 2.13 for the same distance.

STOCKTON TO GOSHEN

From Stockton to Goshen the distance is 156 miles, the average per ton per mile rate 4.62 cents. The rate from Kansas City, Mo., to Alton, Kans., on the Union Pacific Railroad, 163 miles, average 3.27 cents. From St. Louis to Ponca, Mo., 165 miles via the Missouri Pacific Railway, the rates average 3 cents. From Chicago to Rio, Wis., via the Chicago, Milwaukee and St. Paul Railway, 164 miles, 2.55 cents. The rates established, respectively, by the three commissions mentioned above, for a distance of 155 miles, average 2.62 cents, 2.24 cents, and 2 cents per ton per mile.

STOCKTON TO BAKERSFIELD

The distance, Stockton to Bakersfield, is 220 miles, the rates averaging 4.24 cents per ton per mile. From Omaha to Lexington, Neb., via the Union Pacific, 231 miles, the rates average 3.38 cents. Kansas City to Wesport, Kans., via the same road, 249 miles, the rates average 3.02 cents. St. Louis to Kingsville, Mo., via the Missouri

Pacific Railway, 237 miles, the rates average 2.31 cents. The rates established by the above named commissions, for a distance of 230 miles average, respectively, 2.28 cents, 1.72 cents, and 1.79 cents.

SACRAMENTO TO TEHAMA.

The distance from Sacramento to Tehama is 123 miles, and the rates average 5.17 cents per ton per mile. The rates established by the above state commissions for a distance of 125 miles average, respectively, 2.83 cents, 2.57 cents, and 2.14 cents.

SACRAMENTO TO RED BLUFF.

The distance from Sacramento to Red Bluff is 135 miles, and the rates average 5.20 cents per ton per mile. The rates, Kansas City to Junction City, Kansas, via the Union Pacific Railroad 139 miles, average 3.72 cents. The above mentioned state commission rates for a distance of 135 miles average, respectively, 2.74 cents, 2.43 cents, and 2.05 cents.

SACRAMENTO TO ANDERSON.

The distance is 158 miles and the rates average 5.36 cents per ton per mile. From Kansas City to Abilene, Kans., 163 miles via the Union Pacific, the rates average 3.27 cents. From Chicago to Rio, Wis., 164 miles via the Chicago, Milwaukee and St. Paul Railway, rates average 2.55 cents. From St. Louis to Tipton, Mo., via the Missouri Pacific Railway, the distance is 163 miles and the rates average 3 cents per ton per mile. The rates of the commission, above named, for 160 miles average 2.60 cents, 2.20 cents, and 1.96 cents per ton per mile, respectively.

SACRAMENTO TO REDDING.

The distance is 169 miles and the average rate 5.4 cents per ton per mile. From Omaha to Wood River, Neb., on the Union Pacific, a distance of 169 miles, the rates average 3.4 cents. From Chicago to Calamus, Iowa, via the Chicago and Northwestern, distance 169 miles, the rates average 2.6 cents per ton per mile. The Minnesota, Illinois, and Iowa rates for 170 miles average, respectively, 2.56 cents, 2.10 cents, and 1.91 cents per ton per mile.

Instances of the character herein set forth could be multiplied indefinitely. A few only are given as illustrating the necessity for action and in the hope the data may be of some aid to you in your labors.

The figures and comparisons that I give you furnish the argument in favor of legislation which, while enabling a fair income to be received by the railroads, will require of them just treatment of the shippers and producers of the State of California.

HIRAM W. JOHNSON,
Governor of the State of California.

Message read, ordered printed in the Journal, and referred to Committee on Executive Communications.

NOTICE OF MOTION TO REFER THE SPECIAL MESSAGE FROM THE GOVERNOR TO THE COMMITTEE ON CORPORATIONS.

Senator Wright gave notice that on Monday, January 16, 1911, he would move to refer the special message this day received from the Governor to the Committee on Corporations.

APPOINTMENTS BY THE PRESIDENT.

The President of the Senate asked for and was granted unanimous consent to make the following changes in the standing committees:

CHANGES IN COMMITTEES.

Senator Birdsall from Committee on Prison and Reformatories to Committee on Irrigation.

Senator Behan from Committee on Irrigation to Committee on Prisons and Reformatories.

Senator Bell from Committee on Engrossment and Enrollment to Committee on Federal Relations.

Senator Behan from Committee on Federal Relations to Committee on Engrossment and Enrollment.

Senator Shanahan to be added to Committee on Education.

And, on request of Senator Stetson, chairman of Committee on Judiciary, Senator Caminetti to be added to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER)

By Senator Julliard: Senate Bill No. 344—An Act to regulate the public service of stallions in California.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS

Senate Bill No. 3—An Act to repeal an Act, entitled "An Act to create a drainage district to be called 'Sacramento Drainage District' to promote drainage therein, to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, waste drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1903, and as amended March 20, 1907, and March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Avery, Bell, Bills, Cartwright, Cassidy, Carson, Fawcett, Gates, Hare, Hewitt, Holahan, Hurd, Julliard, Larkin, Lewis, Morrison, Ransom, Roseberry, Rush, Sherridan, Stetson, Swett, Thompson, Thompson, Turrell, Walker, Wolfe and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WOLFE IN THE CHAIR

At twelve o'clock and ten minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED)

Senate Concurrent Resolution No. 4—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Senate Concurrent Resolution No. 4 temporarily passed on file in the absence of the author, to retain its place.

SENATE CONCURRENT RESOLUTION, No. 3

Approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1900 and is now, organized and acting under a (stockholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of said State of California on the 20th day of February, 1899 (Statutes of 1899, pages 448 to 489 inclusive); and,

WHEREAS, The city council of said city of Santa Barbara did, by resolution adopted by said city council on the 7th day of October, 1909, and approved by the mayor of said city on the 7th day of October, 1909, and pursuant to said Section 8, of Article XI, of said Constitution of the State of California, duly propose to the qualified electors of said city of Santa Barbara five certain amendments, to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 7th day of December, 1909; and,

WHEREAS, Said five proposed amendments were and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Morning Press," said publication ending on the 30th day of October, 1909; and,

WHEREAS, Thereafter the city council of said city, did by ordinance which was duly adopted on the 5th day of November, 1909, and approved by the mayor on the 5th day of November, 1909, order the holding of a general municipal election in said city of Santa Barbara on the 7th day of December, 1909, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published for at least ten days prior to the time appointed for the holding of such election in "The Independent," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify four of said five proposed amendments, to wit: Numbers one, two, three and four, thereof, but did not ratify number five of said proposed amendments; and,

WHEREAS, The city council of said city at a special meeting thereof, held within ten days after said election for such purpose, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said four of said proposed amendments, and rejected said number five; and

WHEREAS, The mayor and city clerk of said city did, on the 13th day of December, 1909, duly certify to the submission to the qualified electors of said city of said five proposed amendments to said charter and to the ratification of said four of such amendments, and did further certify to a copy of said four proposed amendments, authorized by the seal of said city of Santa Barbara, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA,

COUNTY OF SANTA BARBARA,) ss.

CITY OF SANTA BARBARA,)

We, the undersigned, Olio L. Lloyd, mayor of the city of Santa Barbara, State of California, and A. Davis, city clerk of said city, do hereby certify and declare as follows:

That the city of Santa Barbara, in the county of Santa Barbara, in the State of California, contains a population of over ten thousand inhabitants, and has ever since the year 1900, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 29th day of September, 1898, and approved by the legislature of the State aforesaid, on the 20th day of February, 1899;

That the city council of said city of Santa Barbara did by resolution adopted by said city council on the 7th day of October, 1909, and approved by the mayor of said city on the 7th day of October, 1909, pursuant to section eight of Article XI of the Constitution of said State of California, duly propose to the qualified electors of said city five certain amendments to the charter of such city to be submitted to said qualified electors at a general municipal election to be held in said city on the 7th day of December, 1909, and that the four of said amendments ratified as herein after set forth were and are in words and figures following, to wit:

AMENDMENT NUMBER ONE.

That Section 8, of Article XI, of said charter be amended to read as follows:

Section 8. The non elective officers of said city shall consist of a chief of police, a city engineer, and a superintendent of streets.

AMENDMENT NUMBER TWO.

That Section 43 of Article IV of said charter be amended to read as follows:

SECTION 43. The council shall have power

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and crosswalks upon the same, and in or over any plaza, park or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the council may adopt.

24. To provide general regulations as to the quality, capacity and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every person, firm or corporation owning, operating or maintaining a track or tracks, upon any street or streets, or portion of street of said city, where cars or engines of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, or turnout or turnouts, and for two feet upon each side of the exterior rails of such tracks, switches or turnout or turnouts, in repair with the same material, and in the same manner as the portion of the street so occupied; and to provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; *provided, however*, that such regulations may apply to any one, or more, or all classes of transportation companies, cars or engines.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the charges, fees and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison and to provide for the care, custody, feeding and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain and operate its own water supply.

34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights, and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service and connections; and the removal and placing underground of any and all wires or telegraph, telephone, or electric light wires, or upon the pole line, or in the underground conduits established by the city.

35. To grant or extend for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increase in the population of the city; and to fix the rate of fare, not exceeding five cents for each passage on such railways, conditional that the rate of fare so fixed, shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist operated under franchises similarly conditioned; *provided, however*, that should the council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise, or franchises, for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

36. To provide and maintain all public buildings, parks or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State and county purposes.

39. To regulate the custody, leasing and sale of all the property of the municipality, and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades and processions, and public assemblages upon the streets, and to determine what parades, processions and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established.

42. To make or pass all ordinances, bylaws, resolutions, rules and regulations necessary and proper for carrying out or into execution the powers herein granted, and all other powers vested in this charter, or its various departments and officers.

43. To make and enforce, or cause to be made, police, sanitary and other regulations so as not to conflict with general laws or ordinances of this charter.

44. The council shall have power by ordinance, and it shall be its duty to do and determine accurately the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof; also to fix and regulate, through the city and harbor, also to fix and regulate, through the city and wharves, to be charged for the use of any wharf within the city limits, and in general to provide for the regulation of all industries, passed in reference to matters embraced in this ordinance.

45. The council shall have power to provide means for police improvement.

46. The council shall have power to provide for such city or public telephone system, and other means for the transmission of voice, signals, communications and intelligence, by electricity or otherwise, and to construct, purchase, lease, own, control, maintain, operate and collect tolls or charges for the use of any such system or systems.

AMENDMENT NUMBER THREE.

That Sections 123 and 124 of Article XI of said charter be amended by striking out the whole of said sections, and inserting in lieu thereof the following:

Section 123. The mayor shall be and with the consent of the council appoint a competent city engineer for said city, who shall hold office during the pleasure of the mayor and council. He shall take the oath, and execute to said city a bond in the sum of \$5,000.00, as required by Section 23, of this charter.

He shall receive such compensation as shall be fixed by ordinance.

In addition to the other duties required of him by the charter and ordinances of said city, said engineer shall:

1. Make all surveys, inspections and estimates required by the council.
2. He shall examine all public work done under contract, and report thereon, in writing, to the council.
3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and secure the same upon the payment of his fees therefor.
4. He shall be the custodian and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city pertaining to his office, and the work thereof, all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.
5. All maps, plans, profiles, field notes, estimates and other memoranda or surveys and other professional work made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.
6. He shall examine the work done under, and materials used in the construction of all buildings or improvements done by or under the authority of said city, and shall at once report to the council, in writing, production from contracts, and the use of any improper material, or any bad workmanship in such works.

AMENDMENT NUMBER FOUR.

That a new section be added to said charter to be known as Section 124.

Section 124. The mayor shall be and with the consent of the council, appoint a competent person as street superintendent, who shall hold office during the pleasure of said mayor and council. He shall take the oath and execute a bond in the sum of \$5,000.00, as required by Section 23, of this charter. He shall receive such compensation as may be fixed by ordinance of said city. He shall have the general duty of and frequently inspect the streets of said city, and shall see that all repaved streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise; and shall at once report to the council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

That said four proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit "The Morning Press," and that said publication ended on the 30th day of October, 1909:

That thereafter the city council of said city did, by ordinance No. 667, which was duly adopted on the 4th day of November, 1909, and approved by the mayor on the 5th day of November, 1909, order the holding of a general municipal election in said city of Santa Barbara, on the 7th day of December, 1909, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments, to the city charter to the qualified

electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city:

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said five proposed amendments to the charter of said city of Santa Barbara, except such proposed amendment number five; and that said proposed amendment number five did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election:

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter:

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said four certain proposed amendments to the charter of the city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a general municipal election duly called and held in said city on the 7th day of December, 1909.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 10th day of August, 1910.

CLIO L. LEYD,

Mayor of the City of Santa Barbara.

ALFRED DAVIS,

City Clerk of the City of Santa Barbara.

AND WHEREAS, The said four amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said Section 8 of Article XI, of the Constitution of the State of California now, therefore, be it

Resolved by the Senate of said State of California, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said four amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

Senate concurrent resolution read.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Avey, Bell, Bolls, Birdsall, Boynton, Bryant, Cartwright, Cassidy, Cullen, Estudillo, Gates, Haro, Hewitt, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shandhan, Stetson, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Concurrent Resolution No. 3 ordered engrossed and transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII, of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty-eight *a*, relating to the issuance of county bonds.

Bill read second time, ordered engrossed, and on file for third reading.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Boynton, the President declared the Senate adjourned until Monday, January 16, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, January 16, 1911

Pursuant to adjournment, the Senate met at eleven o'clock in the
 Lieutenant Governor Albert J. Wallace, President of the Senate, in
 the chair.

The roll was called, and the following answered to their names:

Senators Auer, Baker, Ball, Bush, Eddicks, Enoch, Ferguson, Wright, Bennett,
 Cammell, Campbell, Coffey, Cullen, Cunniff, Curren, Egan, Egan, Evans,
 Hays, Hendricks, Hurd, Johnson, Lanning, Lyman, McManus, Rogers, Rosborough, Ryan,
 Sanford, Shattuck, Sisson, Smith, Lee, Thompson, Fitch, Walker, Wells, Wells,
 and Wright. 18.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wynnen.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 13, 1911,
 the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Hewitt was, on motion of Senator Hurd, granted leave of
 absence for this day.

RESOLUTIONS.

The following resolution was offered:

By Senator Wright.

WHEREAS, Under date of January 13, 1911, Governor Henry W. Johnson sent a
 special message to the Senate, relating to railroad rates and railroad legislation, which
 message is printed in the Journal of January 13th, in which a certain item appears
 that there is gross and unjust discrimination in the rates of railroad transportation
 in interstate shipments, and that such rates are highly discriminatory and unjust, and
 tend to discriminate in favor of shippers located at certain points and against shippers
 at other points; and

WHEREAS, At the last session of the Legislature an Act "Providing for the organiza-
 tion of the Railroad Commission of the State of California, defining its powers
 and duties," was approved March 10, 1909, was enacted, in which among other things
 it is provided that any person, firm, corporation or association, or any individual,
 agricultural or manufacturing association, or any body politic or municipal corporation,
 comprising or anything doing or to be done by any transportation com-
 pany, subject to the provisions of this Act in furtherance of the principles herein-
 in of the Constitution of this State, may present to said commission by petition, which
 shall set forth the facts, and whenever it shall appear to the commission to
 be any reasonable grounds for investigating such complaint, it shall cause a copy of
 the same to be served on the transportation company concerned, and call upon said com-
 pany to answer the same at the time and place specified in said call by said com-
 mission. The commission shall investigate the matters mentioned in order upon
 reasonable rules and grounds of procedure as it shall deem proper. No person shall
 at any time be dismissed because of the absence of direct damage to the complainant, and

WHEREAS, It is further provided in said Act that said Board of Railroad Com-
 missioners shall have the power, and it shall be their duty, to establish rates or
 charges for transportation by transportation companies subject to the provisions of
 this Act; and

WHEREAS, It is further provided that the Railroad Commission is authorized, and
 it shall be its duty, whenever, after full hearing upon the complaint made, if it deems
 any rates or charges demanded, charged, or collected by any transportation company
 or companies are unjust or unreasonable, or unjustly discriminatory, or unduly

preferential, or prejudicial, or otherwise, in violation of, or contrary to any of the provisions of said Act, to determine and prescribe what will be a reasonable rate or rates, charge or charges to be thereafter observed in such case as the maximum to be charged, and thereupon to make an order that the transportation company shall cease and desist from such violation, and shall demand and collect no rate in excess of the maximum rate fixed by said commission; and

WHEREAS, Said Act further provides that after such hearing of any complaint so filed the commission shall file in writing its findings of fact, conclusions, and any award made after such hearing; and

WHEREAS, It prima facie appears from the special message delivered to this Senate by the Governor of the State of California that rates highly discriminatory are now being charged and collected by transportation companies on intrastate business, and that the existence of said discriminatory charges either demonstrates the ineffectuality of the law, or dereliction of the Railroad Commission; now, therefore, be it

Resolved by the Senate of the State of California, That the Committee on Corporations be and it is hereby instructed to forthwith investigate the subject-matter of said special message of Governor Johnson in so far as it may be able, the cause of the prevalence of discriminatory rates complained of and set forth in the Governor's special message, and to ascertain, determine, and report to this Senate as follows:

A. If any complaint or complaints have been filed by any person, firm, corporation, association, body politic, or municipal corporation, of any of the alleged discriminatory rates or charges of transportation set forth in the special message of Governor Hiram W. Johnson, which message was transmitted to the Senate under date of January 13, 1911.

B. If any such complaint or complaints have been filed with the Railroad Commission of this State, then such committee is hereby directed to ascertain if hearings thereon were held under and by virtue of the Act entitled "An Act providing for the organization of a Railroad Commission, defining its duties and powers," etc., approved March 19, 1909.

C. If hearings were had upon any such complaint or complaints, said Committee on Corporations is further directed to call upon the Railroad Commission to file with said committee for its use, and for the use of the members of the Legislature, any findings of fact, conclusions, and awards made in pursuance to Section 21 of said Railroad Commission Act, approved March 19, 1909.

D. Said Committee on Corporations is further directed in its report to this Senate of any such investigation as herein contemplated, to include answers to the following questions:

1. Have complaints been made to the Railroad Commission of any of the alleged discriminatory rates mentioned and set forth in the Governor's special message of January 13th?

2. Has the Railroad Commission of the State of California in any instance failed to hear such complaint, and if any hearing has been held as provided in said Act, has said Commission filed its findings of fact, its conclusions and awards as directed to do under said Act?

3. Has said Railroad Commission of the State of California in any instance in which unjust or discriminatory rates have been charged in any complaint or complaints filed, failed to make a finding in which such rates are declared to be just or unjust, discriminatory or undiscriminatory, and if the rates complained of were found to be unjust and discriminatory, has said Commission failed to fix a maximum rate which would be just, fair, and reasonable?

4. If said committee should find that unjust and discriminatory rates prevail in the charges of transportation on rates for intrastate business, thereby working a hardship to either places or persons, why said rates have not been adjusted, and fair and reasonable rates have not been established by said Commission?

5. Whether the fault for any existing discriminatory intrastate rates is to be found in the dereliction of the members of the Railroad Commission, or in the inefficiency of the railroad law?

MOTION.

Senator Wright moved that the resolution be printed in the Journal, and referred to the Committee on Corporations.

Motion carried.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Boynton:

Resolved, That Rule 8 of the Standing Rules of the Senate be and the same is hereby changed, so that the Committee on Education shall consist of fourteen members instead of thirteen members.

RESOLUTIONS ON RULES.

Senator Boynton moved that the rules be suspended, and the resolution taken up without reference to the Committee on Rules.

Motion duly seconded.

The question being on the motion to suspend the rules and take up the resolution without reference to the Committee on Rules.

The roll was called, with the following result:

AYES. Senators Avey, Bolan, Biss, Biss, Birkhoff, Black, Bryant, Burnett, Cartwright, Cassiday, Cullen, Cullen, Lusk, Foss, Gage, Hanson, Hays, Juilliard, Larkins, Lewis, Marshall, Rogers, Rossmore, Ross, Sanford, Stansbury, Stetson, Strobridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright, 25.

NOES. None.

MOTION.

Senator Boynton moved the adoption of the resolution as read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Avey, Bolan, Biss, Biss, Birkhoff, Black, Bryant, Burnett, Cartwright, Cassiday, Cullen, Cullen, Lusk, Foss, Gage, Hanson, Hays, Juilliard, Larkins, Lewis, Marshall, Rogers, Rossmore, Ross, Sanford, Stansbury, Stetson, Strobridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright, 25.

NOES. None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, DECEMBER 12, 1911.

MR. PRESIDENT: Your Committee on Enrollment and Enrolling have reported Senate Bill No. 115. An Act to amend the Penal Code by adding to Article XIII of Chapter IV, Title II, Part IV, thereof, a new section to be numbered section four thousand and eight hundred and eighty-five in the sequence of section headings.

Also, Senate Concurrent Resolution No. 3. Approving four contract agreements to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election and caucus on the 7th and 8th of December, 1909.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 115 ordered on file for third reading.

Senate Concurrent Resolution No. 3 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, JANUARY 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 263—An Act appropriating and transmitting money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty ninth session of the Legislature and donating the State Controller and State Treasurer to make such transaction have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 263 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, JANUARY 16, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the resolution by Senator Strobridge:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for postage, expressage, and incidental expenses in the mailing of printed matter, the same to be paid out of the

by amending Section 3 thereof, adding to the commission a board of trustees and the appointment of such trustees.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Ayer: Senate Bill No. 334—An Act to amend Section 9 of Section 4239, of the Political Code of the State of California, relating to salaries and fees of officers of the counties of the fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Larkins: Senate Bill No. 335—An Act legalizing the formation and organization of Homestead Reclamation District No. 780 in the counties of Kings and Tulare, State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Martinelli: Senate Bill No. 336—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Birdsall: Senate Bill No. 337—An Act to divide the State of California into three fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 338—An Act to amend Sections 671a and 671c of the Penal Code of the State of California, relating to the punishment for the violation of the laws for the preservation of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Black: Senate Bill No. 339—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 340—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative, and referendum.

Bill read first time, and referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE (OF) OF ORDINANCE

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 12, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, in office, has referred Senate Government Resolution No. 2, Amending Chapter 10, Code of Oakland, County of Alameda, State of California, passed the day signed by the

qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 5, ordered on file.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 16th, 1911.

To the Senate of the State of California:—

I have the honor to inform your honorable body that I have this day made the following appointments:

David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, vice self, appointment withdrawn.

Fred G. Sanborn, of San Francisco, a member of the Board of Fish and Game Commissioners, vice George V. Street, of San Francisco, appointment withdrawn.

Truxtun Beale, of Berkeley, a member of the Board of Regents of the University of California, vice Charles William Shack, of San Francisco, appointment withdrawn.

Dr. F. R. Burnham, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice L. A. Greenman, of San Diego, appointment withdrawn.

Charles H. Swallow, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice Fred W. Jackson, of San Diego, appointment withdrawn.

M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Message referred to Committee on Executive Communications.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT: Your Committee on Executive Communications to whom was referred the following message from the Governor:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, January 11, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

Arthur Letts, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice A. B. Cass, of Los Angeles, appointment withdrawn.

E. T. Earl, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice Henry H. Mayberry, of Alhambra, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that the Senate advise and consent to the nominations therein made.

AVEY, Chairman.

Senator Boynton moved that the Senate take up the consideration of the report.

Motion duly seconded.

Motion carried.

The President put the question, "Will the Senate advise and consent to the appointment of Arthur Letts, of Los Angeles, a member of the

Board of Trustees of the State Normal School at Los Angeles, *vice* A. B. Cass, of Los Angeles, appointment withdrawn?"

The roll was called, with the following result:

AYES. Senators A. B. Bates, Dan. Ross, Richard Black, Benjamin Bryant, Earl, Campbell, Campbell, Cawwack, Campbell, Corbin, Doolittle, Foss, Glass, Hays, Hobbes, Hunt, Johnson, Larkin, Lusk, McArthur, Myers, Powers, Reed, Simpson, Stensland, Stephens, Strickland, Thompson, Tyson, Walter, Webb, Wells, and Wright.

NOTES. None.

Whereupon, the President announced that the appointment of Arthur Latta, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, *vice* A. B. Cass, of Los Angeles, appointment withdrawn, had been duly confirmed.

The President put the question: "Will the Senate advise and consent to the appointment of E. T. Earl, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, *vice* Harry H. Mayberry, of Albion, appointment withdrawn?"

SENATOR EXCUSED FROM VOTING.

Senator Thompson asked for and was granted unanimous consent to be excused from voting on the pending confirmation.

The roll was called, with the following result:

AYES. Senators A. B. Bates, Dan. Ross, Richard Black, Benjamin Bryant, Earl, Campbell, Campbell, Cawwack, Campbell, Corbin, Doolittle, Foss, Glass, Hays, Hobbes, Hunt, Johnson, Larkin, Lusk, McArthur, Myers, Powers, Reed, Simpson, Stensland, Stephens, Strickland, Tyson, Walter, Webb, Wells, and Wright.

NOTES. Senator Wright—A.

Whereupon the President announced that the appointment of E. T. Earl, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, *vice* Harry H. Mayberry, of Albion, appointment withdrawn, had been duly confirmed.

INTRODUCTION AND FIRST READING OF BILLS.—SENATOR

The following bills were introduced:

By Senator Thompson, Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 366—An Act appropriating money to be expended in the erection and equipment of a hospital building on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 368—An Act appropriating money for repairs on the main building of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION No. 4.

Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held thereon for that purpose on the 12th day of September, 1910.

WHEREAS the city of San Luis Obispo, in the county of San Luis Obispo, State of California is now and at all the times herein referred to was a city containing a population of more than 3,500 and less than 10,000 inhabitants; and

WHEREAS at an election held in said city on the 11th day of April, 1910, in accordance with law and the provisions of Section 8 of Article 11 of the Constitution of the State of California, a board of fifteen (15) freeholders, duly qualified was duly elected in and by said city and by the qualified electors thereof to prepare and propose a charter for said city which said board of fifteen (15) freeholders did, within ninety (90) days next after such election, prepare and propose a charter for said city, which said charter was on the 8th day of July, 1910, signed in duplicate by a majority of the members of said board of fifteen (15) freeholders and was on the 9th day of July, 1910 returned, one (1) copy thereof to the president of the board of trustees of said city (he being the chief executive officer of said city) and the other copy thereof to the county recorder of the county of San Luis Obispo (within which said city is situated) and filed the same with said county recorder, and

WHEREAS such proposed charter was thereafter published in the "Morning Tribune," a daily newspaper printed and published, and of general circulation in said city of San Luis Obispo and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being

made within twenty (20) days after the passage of said proposed charter, and

WHEREAS said charter was duly passed, duly approved, duly signed and published in conformity with the laws of the State of New Mexico, and the same was duly filed in the office of the Secretary of State, and regularly called and thereafter held in said office on the 14th day of December, 1910, and

WHEREAS at said last mentioned annual election a majority of said qualified electors of the city of Santa Fe, Oregon, voting as such qualified electors, in favor of the ratification of said charter as presented, and as such qualified electors voting at said special election have voted for ratifying said charter as a whole as shown aforesaid, and

WHEREAS the board of trustees, after receiving said report of said special election duly found, determined and declared that the majority of said qualified electors voting at said special election have voted for ratifying said charter as a whole as shown aforesaid, and

WHEREAS the same is and is intended to be the legislative act of the State of California, for its approval or rejection as a whole, without regard to whether or not it is in accordance with the provisions of Section 5 of Article II of the Constitution of the State of California, and

WHEREAS said charter was called in the terms and terms following, to wit:

CHARTER OF THE CITY OF SANTA FE, OREGON, PASSED AND PUBLISHED BY THE BOARD OF TRUSTEES, JANUARY 11, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 5, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

Article	I	Name and rights of the city.
Article	II	Boundaries.
Article	III	Finance and taxes.
Article	IV	The mayor.
Article	V	Executive and administrative departments.
Article	VI	The council.
Article	VII	Officers of the city and of the council.
Article	VIII	City clerk.
Article	IX	Finance and taxation.
Article	X	Public works and supplies.
Article	XI	Libraries.
Article	XII	Recall of elective officers.
Article	XIII	The franchise.
Article	XIV	The referendum.
Article	XV	The school system.
Article	XVI	Franchises.
Article	XVII	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1. Name of city. The aforesaid municipality shall be called and known as the city of Santa Fe, Oregon, and shall maintain and continue its name, and cooperate in name and in fact, by the laws of the State of New Mexico, and by such name shall have perpetual succession.

SEC. 2. Rights and franchises. The city of Santa Fe, Oregon, shall receive vested with and continue to have, hold and claim all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

SEC. 3. Boundaries. The boundaries of the city of Santa Fe, Oregon, shall be as follows:

Commencing at a stone 34" x 14" x 6" at the south boundary of section 30 south range 12 east, M. D. M. 20, thence east of same to section 35, and from the southeast corner of the city of Santa Fe, Oregon, thence north on a true line, at 9.15 chains cross a fence line north 30 deg. east, south 30 deg. west, at 9.30 chains a sycamore 48" in diameter is 5 links east, at 9.50 chains cross a stream 3 links wide runs south 30 deg. west, at 15.90 chains cross a fence east and west, at 24.50 chains cross a creek runs south 10 deg. west, at 37.00 chains a creek 10 links wide runs southwest from north 10 deg. east, at 50.27 chains cross a fence east and west, at 50.50 chains the Arroyo de las Lagunas 60 links wide water in pools runs southwest, at 54.35 chains crosses the south boundary of Delabosses' addition at a post in fence bearing north 69 deg. east, south 69 deg. west, a laurel tree 30" in diameter, the southeast corner of said addition bears north 60 deg. 26' east 5.32 chains distant, at 64.10 chains a cross on line in fence bearing north 33 deg. west and south 33 deg. east, over Delabosses' addition, at 77.20

chains cross a ravine runs south 80 deg. west ascend, at 81.50 chains cross a ravine runs west, at 89.50 chains a stream 8 links wide runs south 80 deg. west ascend spur, at 97.10 chains top of spur descend a post in stone mound, at 107.50 chains a deep ravine runs west enter flat, at 111.25 chains ravine runs southwest ascend, at 121.00 chains top of spur, at 126.50 chains a ravine runs S. 60 deg. west, at 128.00 chains top of high spur descend, at 131.00 chains a deep ravine runs west, at 140.00 chains to post northeast corner of city, in mound of earth; thence west on a true line along the north boundary of the city, at 5.00 chains cross a fence at foot of steep descent, at 8.00 chains enter valley northwest and southeast, at 11.00 chains enter willows along San Luis creek, at 12.00 chains cross creek 25 links wide runs south 80 deg. west, at 14.00 chains leave willows, a house is 14 chains north, at 23.00 chains cross a gulch runs south, at 23.08 chains a stone 4" x 14" x 10" in line of a fence bears northeast and southwest on southeast side of road on continuation of Monterey street, at 24.62 chains a fence bears northeast and southwest, leave road, at 26.55 chains a fence bears north and south, corner of fence is 186 links south, at 35.13 chains cross a fence bears north and south, at 39.00 chains a gulch runs south, at 43.80 chains a fence bears north and south, enter Grand avenue, at 45.30 chains a fence bears north and south, leave Grand avenue, at 47.75 chains a gulch runs southeast, at 54.90 chains a post in a fence (bears north and south), the corner of a fence bearing east and west is 426 links south, at 56.70 chains top of knoll, at 61.20 chains Mr. A. R. Hathaway's house is 7 chains south, at 65.50 chains a gulch runs southwest, at 89.50 chains a gulch runs south 20 deg. west, at 100.00 chains a gulch runs south, at 104.50 chains to old Garden creek 80 links wide runs south, at 106.15 chains on the west side of road bearing north and south in line of fence a post, the fence bearing east and west is 5.00 chains south, at 127.00 chains cross Steiner creek 20 links wide runs south 20 deg. east, at 130.50 chains cross a gulch runs north, at 140.00 chains to stone 3" x 14" x 7" northwest corner of the city; thence south on a true line, at 5.20 chains cross a fence bears east and west, Enter Steiner's field, at 16.50 chains cross a ravine runs east, ascend, at 44.75 chains intersect the line between Steiner and Felz a post, at 47.20 chains top of spur of Cerro Obispo, at 52.00 chains descend at 64.91 chains intersect the line between J. Y. Felz and Ventura Fernandez at post in fence (bears east and west) at 80.00 chains cross a gulch runs southeast, at 104.95 chains cross a fence east and west, enter Harford's addition, at 129.30 chains to intersection with line of Laguna Rancho and stone 34" x 14" x 8" corner to city; thence along Laguna line south 43 deg. 20' east 16.80 chains to intersection with south boundary of township 30 south, range 12 E., M. 10. M. at stone 3" x 12" x 9", the southwest corner of the city; thence along the south boundary of the city north 89 deg. 25' east on a true line, at 23.28 chains a post in a fence (bears north and south) on the east line of Harford's addition 350 links north of south line of said addition; at 62.90 chains a post in fence (bears north and south) on the easterly line of W. L. Beebe's land, The south line of Beebe and Phillip's addition is 388 links south, at 83.85 chains a post in a fence (bears northwest and southeast) on westerly line of road on the continuation of Broad street. The southeast corner of C. H. Phillip's land bears southeast 444 links distant, at 103.24 chains a post in a fence (bearing north and south) on the east line of H. S. Rembaugh's land 347 links north of south line of said lands, at 128.00 chains to the southeast corner of the city, the point of beginning. All the posts above mentioned are of reworked 4" x 4" x 4 feet in height, marked "S. L. O. City Limit."

ARTICLE III.

ELECTIVE OFFICERS.

SEC. 4. *The Elective Officers.* The elective officers of the city shall be a mayor, a city clerk, four councilmen and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

SEC. 5. *How Elected.* The mayor, city clerk, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

SEC. 6. *Eligibility of Mayor, Clerk and Councilmen.* To be eligible for the office of mayor, city clerk or councilmen, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of San Luis Obispo.

SEC. 7. *Eligibility of School Directors.* To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the city of San Luis Obispo.

SEC. 8. *Vacancies in Office of Mayor, Clerk or Councilman.* If a vacancy shall occur in the office of mayor, city clerk, or councilman, the council shall appoint a person to fill such vacancy.

Step 5: *Verification of the existence of a local extremum*. If a unique local extremum is the only admissible solution, the point of extremum must represent a global extremum. \square

[illegible]

Sec. 11. That the officers of the said corporation shall hold office for a term of four years from and after the 10th day of May after their election and until the successors are elected and qualified. The said officers shall be elected and qualified in the manner and subject to the conditions hereinafter provided to be that two of them shall hold office for two years and one of them for one year.

At roughly parallel longitudinal sections (Fig. 10a) within the boundary zone, dark grey, chloritic, brown, micaceous, and

[illegible]

All words presented morphologically matching across the first and/or third column were classified as identical (see below) whereas

See 115. *Remarks* The mission was dark and with important work before entering upon the duties of his office, and reports to the city of New York, a subject of importance. The subject is the same as the subject of the mission during the city work in the past, and of some importance. The mission was not completed in the past, and of the mission during the past, and of some importance. An additional point of view is the same subject of the mission.

Every good and honest citizen who is concerned with the progress of the country will not only sympathize with the Government in the fight against the enemy, but will also be ready to contribute to the success of the Government in the fight against the enemy. The Government is the only authority that can protect the country from the enemy, and the people must support the Government in this fight. The Government is the only authority that can protect the country from the enemy, and the people must support the Government in this fight. The Government is the only authority that can protect the country from the enemy, and the people must support the Government in this fight.

The contract shall fix the amounts of funds paid the persons or firms appointed to be executed of the same.

The amount of the official bonds must be reduced (based on the ratio of the official bonds to the total bonds) and the amount of the official bonds must be reduced (based on the ratio of the official bonds to the total bonds). All the interest on the bonds, except the interest on the official bonds, must be paid from the general fund.

SEC. 14. Oath of Office.—Every person elected to the office of mayor during his term of office shall take the oath of office as provided in the constitution of this State and shall file the same with the city clerk.

SEC. 15. *Salaries.* The board shall receive an annual salary of six hundred dollars.

The city clerk shall receive an annual salary of one thousand five hundred dollars payable in equal monthly installments.

Each associate shall receive an initial salary of two hundred dollars, payable in equal monthly installments.

meeting of the board of education which he shall attend, provided that he shall not receive more than ten dollars in any one month.

not receive more than ten days' notice in writing.
 Sec. 16. Any person guilty of such a crime as is herein
 official and every member of any board or commission appointed or to be appointed
 shall have the power to administer oaths and affirmations, and any such board
 board or commission shall have the power to issue subpoenas for the attendance of
 the production of books, papers and documents, and to take and to cause to be taken
 testimony and to call and to examine witnesses, and to punish for contempt. If
 any person shall be found guilty of such a crime as is herein provided for, the
 or document as proposed to such evidence of state policy in relation to such
 officer, board or commission or to any person who has been or may be, or a
 majority of such board or commission shall have the power and shall be bound to
 be deemed in contempt, and any such board or commission shall have power
 to take the proceedings in that behalf provided by the general laws of this state.
 The chief of police or must, on request of such board, or of any member of such board
 or commission, detail a police officer or officers to serve with it.

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Sec. 17. *General Duties.* The auditor shall be the chief executive officer of the city and shall see that all the ordinances, laws and rules are faithfully performed. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Sec. 18. *If one or both* During the temporary absence or disability of the mayor, the vicepresident of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vicepresident, the

council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 19. Reports. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

SEC. 20. Examination of Books. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant who shall examine the books, records and reports of the city clerk and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make duplicate reports thereof, and present one to the mayor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 21. Supervision of Public Utility Companies. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel and annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 22. Other Duties. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

SEC. 23. Municipal Departments. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:—

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

SEC. 24. Commissioners. The council at its first regular meeting after the election of its members shall designate by majority vote one commissioner to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance or by resolution published for five days, when or if it determines that the public service will be benefited thereby. Each commissioner shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

SEC. 25. Powers and Duties. The council shall determine and assign the duties of the several departments subject to the provisions of section twenty-three. Each department shall be entitled to such salaried employees as may be authorized by the council. The head of each department shall nominate all such employees therein but their appointments shall be made by the council. Each commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the commissioner at the head of that department at any time except as otherwise provided by this charter. The city council shall determine the number of such employees in any department and shall also have like power of discharging them or any of them, or may reserve any employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment.

SEC. 26. Chief Officials. The chief officers of the city shall be city treasurer, attorney, collector, engineer, chief of police, street superintendent, fire honorary trustees and fire chief. They shall be appointed and may be removed by a majority of the council, provided, however, that the chief of police and the fire chief shall be nominated by the commissioner of public health and safety, and the street super-

interfered by the council, and the council may, in its judgment, the interests of the city or demand, may consolidate and place in charge of the same, either on full-time or part-time basis, as it may see fit.

The council shall, at the first annual meeting after the expiration of its term, or at any subsequent meeting, report to the voters of the city and the determination of the voters shall be final.

Sec. 27. *Selection and Dismissal of Officers and Employees.* The council shall have power to select and dismiss any officer or employee of the city, and to determine the mode of removing any such officer or employee, and to determine the mode of removing any such officer or employee.

Sec. 28. *Compensation of Officers and Employees.* The compensation of all city officers provided for by law, or by ordinance, shall be fixed by the council. The council shall also fix the compensation of all city officers and employees of the city, except as otherwise provided by law. No officer, official or employee shall be allowed any fee or honorarium, or any other compensation, aside from the salary or compensation as fixed by the council, but all fees received by him or compensation shall be paid into the city treasury.

Sec. 29. *Department Reports.* Each department head or commission shall submit an annual report to the council, and the council shall cause the same to be published.

Sec. 30. *Publication of Reports.* The council shall provide for the publication of the annual report of the mayor and of the several departments and commissions.

Sec. 31. *Continuation in Office.* No member of the council, except the commissioner of finance and revenue, who shall serve as officer or member of the board of education, shall hold any other position, office or post and office or employment the compensation of which is paid out of the treasury of the city, or be elected or appointed to any office, position or the compensation of which is increased by the council while he holds a similar position, until one year after the expiration of the term for which he was elected.

Sec. 32. *Not to be Interested in Contracts or Transactions.* No officer, official or employee shall be directly or indirectly interested in any contract, lease or business of the city, or in the sale of any article, the expense, price or consideration of which would be paid to the person or persons interested in the contract or transaction, nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments, or be taken of legal process at the suit of the city. No officer, official or employee shall be interested in, or in the employ of any public service corporation in the city or of any person, firm or corporation having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section shall be deemed a misdemeanor.

The council shall enforce the provisions of this section by appropriate legislation.

Sec. 33. *Political and Religious Tests.* No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL.

Sec. 34. *General Powers.* The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

Sec. 35. *Presiding Officers.* The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Sec. 36. *Meetings.* The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be held.

Sec. 37. *Meetings to be Public.* All legislative sessions of the council, whether regular or special, shall be open to the public.

Sec. 38. *Quorum.* A majority of the members of the council shall constitute a quorum for the transaction of business.

Sec. 39. *Rules of Procedure.* The council shall establish rules for its proceedings.

Sec. 40. *Ordinances and Resolutions.* (1) The council shall act only by ordinance or resolution.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

(5) The enacting clause of all ordinances passed by the council shall be in these words "Be it ordained by the council of the City of San Luis Obispo as follows:"

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

(7) No action providing for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

SEC. 41. *Absent Councilmembers.* No final action shall be taken in any matter concerning the special department of an absent councilmember unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

SEC. 42. *Publication of Charter and Ordinances.* The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the State as the council may deem expedient, to be published in book form.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 43. *General Powers of City.* Without denial or disparagement of other powers held under the constitution and laws of the state, the city of San Luis Obispo, shall have the right and power:

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning, street paving and sprinkling plants, quarries and all other public buildings, places, works and institutions.

(2) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

(3) To acquire by purchase, condemnation or otherwise, and to construct, improve, equip, own and operate, roads and telegraph and cable lines, electric or other railways and transportation routes in any kind within or without the city.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

(5) To acquire by purchase, condemnation or otherwise, either by or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility of its people for such purposes as other public purpose; and to sell, lease, mortgage and otherwise dispose of the same for the common benefit.

(6) To receive bequests, gifts and donations of all kinds of property, in fee simple or in trust for charitable and other purposes, and to use such bequests in carrying out the purposes of such bequests, gifts and donations, with power to mortgage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unqualified.

(7) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to exercise and exercise and to issue bonds for the same, pursuant to the provisions for the creation and issuance of such bonds which contain the same terms as the State of California in force at the time such provisions are taken shall be observed and followed.

(8) To raise money by a special tax, in addition to the general tax levy provided by section fifty-four of this charter. The levy of such tax shall be determined by at least two-thirds of the qualified electors of the city. At each election the council may be authorized in cases where such measure requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years or all, for the permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

(9) To sue and defend in all courts and places and in all matters and proceedings.

SEC 44. *Direct Legislation.* The qualified voters of the city shall have power through the initiative and otherwise, as provided by such statute and the general laws of the state, to enact appropriate legislation to carry out and enforce one of the above general powers of the city or any of the special powers of the council.

SEC 45. *Powers of Council.* As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

(1) To provide a corporate seal with appropriate device, to be affixed to all instruments or writings needing authentications.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed fifty dollars or thirty or six months' imprisonment, or both.

(3) To provide for the summary abatement of any violation at the expense of the person or persons creating, causing, contributing or maintaining such violation.

(4) To organize and maintain police and fire departments, and the necessary buildings and own all implements and apparatus required thereby.

(5) To establish and maintain a fire alarm and police telegraph or signaling system, and message and control the same.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gunpowder, nitroglycerine, fireworks, and other explosive materials and substances.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

(8) To regulate the use of steam engines, gas engines, steam boilers and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected thereon and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures, to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

(44) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires.

(45) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power, telephone or transportation service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

(46) To have general supervision and control of the business of all persons, firms or corporations engaged in furnishing water, heat, light, power or telephone service to the city or to inhabitants thereof, or acting as common carriers of passengers or freight within the city; to keep informed as to their general condition, their capitalization, their franchises and the manner in which their business is managed, conducted and operated, not only with respect to the adequacy, security, and accommodation afforded by their service, but also with respect to their compliance with all provisions of law and of this charter; to prohibit all unjust discriminations and unreasonable preferences in the rates charged or service furnished; to provide that the service rendered and the facilities furnished shall be safe and adequate and in all respects just and reasonable, to order such repairs, improvements, changes or additions as may be necessary to make such service adequate, just and reasonable; and to provide by ordinance for the punishment, by fine or imprisonment, of any person, firm or corporation, or agent, officer, or employee thereof, who shall fail to obey, observe and comply with its orders and regulations in any of the above respects.

(47) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

(48) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

(49) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

(50) To make all rules and regulations governing elections not inconsistent with this charter.

(51) To establish a park commission, and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

(52) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

(53) To provide for public concerts which shall be free to the public.

(54) To provide that copies of all maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work done by the city engineer or other officer of the city shall be filed with the city clerk.

(55) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

(56) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE VIII.

CITY CLERK.

SEC. 46. *General Duties.* The city clerk shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers, or otherwise by special provisions committed to their custody. He shall be clerk of the council and shall keep a complete record of all its proceedings. He shall also perform the duties of assessor. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinance.

ARTICLE IX.

FINANCE AND TAXATION.

SEC. 47. *Fiscal Year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 48. *Tax System.* The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the city clerk to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

SEC. 57. Disposition of Money Collected. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the city clerk on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the city clerk, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next proceeding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

SEC. 58. Uniform Accounts. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

SEC. 59. Income From Public Utilities. All income derived from the operation and management of any public utility by the city shall be devoted exclusively to the payment of the expense of operating, maintaining, improving, or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

SEC. 60. Form of Contracts. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of San Luis Obispo by an officer or officers authorized to sign the same, and must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

SEC. 61. Public Work to be Done by Contract. In the erection, improvement and repair of all public buildings and public works, such as street and sewer work, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and re-advertise for bids, or may require the commissioner of public works to submit a detailed estimate of what the work may be done for by the department of public works, and if such estimate is lower than the lowest bid, the council may order the work to be done by the department of public works, but the department of public works must not be allowed a larger sum to complete such work than called for by the aforesaid estimate. In case no bid is received, the council may provide for the work to be done by the department of public works.

SEC. 62. Contracts for Advertising. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Sec. 63. *Contract for Labor.* No contract for labor shall be made by any person, firm, or corporation, who shall be called upon to pay for such labor, in any circumstances whatsoever, at a higher rate than the highest price paid for such labor by any other person, firm, or corporation.

Sec. 64. *Contract with Employer.* Any contract for labor, or of any kind, made by a person, firm, or corporation, who shall be called upon to pay for such labor, in any circumstances whatsoever, at a higher rate than the highest price paid for such labor by any other person, firm, or corporation, shall be void, and the person, firm, or corporation, who shall be called upon to pay for such labor, shall be liable to pay for such labor, at the highest price paid for such labor by any other person, firm, or corporation, at the time when the contract was made. Any person, firm, or corporation, who shall be called upon to pay for such labor, shall be liable to pay for such labor, at the highest price paid for such labor by any other person, firm, or corporation, at the time when the contract was made.

Sec. 65. *Contract for Labor.* If any person, firm, or corporation, who shall be called upon to pay for such labor, in any circumstances whatsoever, at a higher rate than the highest price paid for such labor by any other person, firm, or corporation, shall be liable to pay for such labor, at the highest price paid for such labor by any other person, firm, or corporation, at the time when the contract was made.

Sec. 66. *Contract for Labor.* Any contract for labor, or of any kind, made by a person, firm, or corporation, who shall be called upon to pay for such labor, in any circumstances whatsoever, at a higher rate than the highest price paid for such labor by any other person, firm, or corporation, shall be void, and the person, firm, or corporation, who shall be called upon to pay for such labor, shall be liable to pay for such labor, at the highest price paid for such labor by any other person, firm, or corporation, at the time when the contract was made.

ARTICLE XI

ELECTIONS.

Sec. 67. *General and Special Municipal Elections.* A general election shall be held in the city on the first Monday in May in the year 1911, and in the year 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election.

All other municipal elections shall be held on the second day of the month of April, and shall be known as special municipal elections.

Sec. 68. *Qualifications and Election of City Officers.* Any person who is qualified to hold any office in the city shall be eligible to hold any office in the city, and shall be known as a qualified person.

(2) The name of a candidate shall be printed upon the ballot under a portion of nomination shall have been filed in his behalf in the proper and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than twenty-five, nor more than one hundred individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

STATE OF CALIFORNIA,
COUNTY OF SAN LUIS OBISPO, ss.
CITY OF SAN LUIS OBISPO, ss.

I, the undersigned, do solemnly swear for and affirm that I have resided in the precinct No. _____ of the city of San Luis Obispo, and I hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, San Luis Obispo, for the office of _____ to be voted for at the municipal election to be held in the city of San Luis Obispo on the _____ day of _____ and I further declare that I am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me this _____ day of _____

Notary or verification deputy.

The petition of nomination of which this certificate forms a part shall if found insufficient, be returned to _____ at No. _____ street, San Luis Obispo, California.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of

signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case petition is found insufficient.

(6) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section shall have been filed by the city clerk.

(7) A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of San Luis Obispo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of San Luis Obispo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF SAN LUIS OBISPO.

(Inserting date thereof)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are for-

bidden. All distinguishing marks are forbidden and make a ballot void. If any wrongly mark, tear or deface this ballot, return it to the inspector of elections and obtain another.

(15) All ballots printed shall be prepared on the same size, quality, sort of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of the candidates printed upon the ballot shall be in type of the same size and style. A number may be printed on the right hand side for clerical convenience in sorting returns to be returned at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidates or of the support of any candidate.

(16) The name of no candidate, who has been duly and regularly nominated, and who has not withdrawn his name, as herein provided, shall be omitted from the ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For city clerk (if any) vote for one."

"For councilman (if any) vote for (insert number)."

"For school directors (if any) vote for (insert number)."

(18) Half inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The clerk shall cause to be printed striped ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three weeks before such election.

(21) The candidates equal in number to the persons to be elected may shall receive the highest number of votes at such election, shall be declared elected to the office for which they are candidates.

(22) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

(23) No informality in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

SEC. 69. *General Election Regulations.* (1) The provisions of the same law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, *provided*, that the council shall meet as a canvassing board and will canvass the election returns within four days after an municipal election.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section sixty-eight so far as may be necessary to adapt them to the use of voting machines.

ARTICLE XII

RECALL OF ELECTIVE OFFICERS.

SEC. 70. *Procedure Relative Thereto.* (1) Every incumbent of an elective office, whether elected by popular vote or appointed by the city, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

(2) A petition signed by qualified electors equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

(3) The provisions of section sixty-eight respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(4) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set

forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

(6) The officer sought to be removed shall be deemed a candidate, and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of section sixty-eight.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight thereto.

ARTICLE XVII.

THE INITIATIVE.

SEC. 71. *Provisions Relating Thereto.* (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

(2) The provisions of section sixty-eight of Article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without a revision within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of Article XIV of this charter); or.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty-five, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that each publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

(7) Any number of proposed ordinances may be considered at the same election, in accordance with the provisions of this article.

(8) There shall not be held more than one election of the kind herein provided for in any period of six months.

(9) The council may submit any ordinance or proposition to the voters at any election, or for amendment thereto, and may also submit any such ordinance or proposition to the voters at any election, or for amendment thereto, and may also submit any such ordinance or proposition to the voters at any election, or for amendment thereto, and may also submit any such ordinance or proposition to the voters at any election, or for amendment thereto.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XIV.

THE REFERENDUM.

SEC. 72. *Mode of Contesting Against Ordinance.* No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, or when otherwise required by the general laws of the State, or by the provisions of the charter respecting street improvements, and during this *thirty days* making the annual tax levy, and except an ordinance for the enforcement of provisions of the public peace, health or safety, which contains a statement of its purpose, and is passed by a four-fifths vote of the council, provided that no event of any kind shall be construed to be an emergency measure, but all ordinances shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the eligible vote cast for all candidates for mayor at the last municipal election, questioning at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be considered from that time in operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed the council shall reconvene the ordinance, as is provided in Article XIII of this charter, to the vote of the members of the city council at the next general municipal election, or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in affirming it. The provisions of section sixty-eight of Article XI respecting the form and execution of the petition and the mode of circulation and verification thereof shall be substantially followed, with such modifications as the voters of the city may desire.

SEC. 73. *Reference of Measures to Popular Vote.* Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may, of its own motion, submit to the voters for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote at the election in addition to the ordinances or measures herein provided for, of said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 74. *Further Regulations.* The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

SEC. 75. *School Department.* The school department of the city of San Luis Obispo shall comprise all the schools within the city of San Luis Obispo, the Mission school district, and all territory that is now or may hereafter be annexed for school purposes, and shall be known as "San Luis Obispo School District," which shall succeed to all the obligations, property, rights and privileges of the Mission school district and the San Luis Obispo high school district.

SEC. 76. *Elections.* All territory included within the limits of the San Luis Obispo school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding municipal elections, and shall constitute one or more separate precincts, and the qualified electors therein shall vote only for the school directors, and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all purposes connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 77. *The Board of Education.* The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby created with all the powers and charged with all the duties provided by this chapter and by the general laws of the State for city boards of education.

SEC. 78. *President of Board.* The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

SEC. 79. *Meetings.* The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

SEC. 80. *Quorum.* Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

SEC. 81. *Rules.* The board of education may determine the rules of its proceedings.

SEC. 82. *Meetings to Be Public.* All meetings of the board of education shall be public.

SEC. 83. *Superintendent of Schools.* The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 84. *Powers and Duties of Superintendent.* The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals, teachers, and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

SEC. 85. *Teachers, How Nominated.* The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 86. *Election of Teachers.* The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 87. *School Warrants.* Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the city clerk as provided in section fifty-six.

SEC. 88. *Annual Estimates of Expenses.* The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the State and counts for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

FRANCHISES.

SEC. 89. *Property Rights Inalienable.* The right of the city in and to its streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

SEC. 90. *Franchise Required.* No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution and laws of the United States; in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

SEC. 91. *Franchises, How Granted.* Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

SEC. 92. *Manner of Granting Franchises.* The provisions of the state law relating to the application for, conditions of, and method and manner of granting franchises, in so far as they do not conflict with the provisions of this charter and so far as they may be applicable, shall apply to the granting of all franchises by the city.

SEC. 93. *Life of Franchise.* The maximum length of time for which a franchise or privilege to use the streets, highways or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

SEC. 94. *Service and Accommodation.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the

right to pass and enforce ordinances to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant or the franchise and the right to make and enforce all such regulations as shall be found necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 95. *Rates and Charges.* The grant of any franchise or privilege shall be subject to the right of the city, whether reserved or not, in any case, and whether the rates, fares, rentals or charges made for the service rendered under such franchise, but in no case shall the value of the franchise of the grantor be considered as the amount originally paid to the city for such franchise, and in any case the amount charged or considered or taken into account in procuring and negotiating such rates, fares, rentals or charges. The grant of any franchise for the transport of passengers on any urban railroad shall provide that all United States mail officers, inspectors and messengers of the city shall at all times, while in the service of the city, be allowed to ride on the cars of such railroad without the payment of fare, without paying therefor and with all the rights of other passengers.

SEC. 96. *Right of City to Acquire Ownership.* Every franchise or privilege granted by the city shall provide that at the expiration of the term for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its option, and upon the payment of a fair valuation therefor to be made by the referee provided in the ordinance making the grant, may acquire and take over and hold the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantor be considered as the amount originally paid to the city, and therefor be considered or taken into account in fixing such valuation. There shall be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the term for which the franchise was granted, become the property of the city without any compensation to the grantee.

SEC. 97. *No Compensation Necessary.* Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in part or in entirety, and without the execution of any instrument or conveyance. Or in any case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, and that upon the expiration of the term the property of the city by virtue of the grant, and without the execution of any instrument or conveyance.

SEC. 98. *Lease or Assignment of Franchise.* Any franchise granted by the city shall not be leased, assigned or otherwise disposed of without the express consent of the city, and no dealings with a lease or assignment on the part of the city in respect to the performance of any act or payment of any sum shall be the result of assignment shall be deemed to operate as such consent, provided that nothing herein shall be construed to prevent the grantee of such franchise from conveying to it a mortgage or trust deed executed for the purpose of obtaining money for business purposes.

SEC. 99. *Street Sprinkling, Cleaning and Paving.* Every person or franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same, shall sprinkle, clean, keep in repair and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of said railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

SEC. 100. *Inspection of Books.* The city of San Luis Obispo, by its city clerk or accountants authorized by the city clerk, or by the council, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from any ordinance granting the franchise, and may audit the same at the end of each year.

SEC. 101. *Annual Reports.* Every person, firm or corporation operating any business under a franchise granted under this article, after five years from the granting thereof, shall file annually with the city clerk on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation within the city of San Luis Obispo for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

SEC. 102. *Payment of Gross Receipts.* The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

SEC. 103. *Forfeiture.* Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

SEC. 104. *Franchises Not in Use Forfeited.* All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE XVII.

MISCELLANEOUS.

SEC. 105. *When This Charter Takes Effect.* For the purpose of nominating candidates and electing mayor, city clerk, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 15th day of May, 1911.

SEC. 106. *First Election.* The board of trustees of the city of San Luis Obispo in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

SEC. 107. *Terms of Incumbents in Office.* The members of the board of trustees, the city clerk and the members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, city clerk, councilmen and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 108. *Existing Ordinances Continued in Force.* All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 109. *Conduct of Legal Proceedings.* The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

SEC. 110. *Violation of Charter and Ordinances.* The violation of any of the provisions of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of San Luis Obispo is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of San Luis Obispo.

CERTIFICATE.

WHEREAS, The city of San Luis Obispo, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the eleventh day of April, nineteen hundred and ten, at a general election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect Geo. H. Andrews, S. D. Ballou, James Blackburn, Forrest E. Brown, A. L. Dutton, J. F. Hayes, Warren M. John, W. A. Kesler, W. H. Metz, A. McAlister, Howard M. Payne, L. F. Sinsheimer, F. L. Smith, R. M. Smith and W. M. Stover a board of fifteen freeholders to prepare and propose a charter for said city:

BE IT KNOWN, That in pursuance of said provisions of the constitution and within a period of ninety days, after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of San Luis Obispo, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative constitution hereinafter stated:

Said alternative proposition shall, if approved by the voters, take the place of Section 67 of Article XI of the proposed charter, which reads as follows: "A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections," and also in Subdivision 21 of Section 68 of Article XI of the proposed charter, which reads as follows: "The candidates equal in number to the persons to be elected in any shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition, providing for annual elections, take the place of Section 67 of Article XI and Subdivision 21 of Section 68 of Article XI?"

Said alternative proposition is as follows:

SEC. 67. A municipal election shall be held in the city on the second Monday in April in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivisions 21 of Section 68, on the third Monday after the first general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

SEC. 68. (21) In case there is but one person to be elected to any office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected. *provided* that no person shall be declared elected to any office at such first election unless a number of votes received by him shall be greater than one half of the number of ballots cast at such election. If at any election held as above provided there be any office in which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person, who under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office. The said second election, if necessary to be held, shall be held three weeks after the first election. All the officers and regulations above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and *provided also* that the same precincts and polling places shall, if possible, be used.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 8th day of July, one thousand nine hundred and ten.

WARREN M. JOHN, President.
HOWARD M. PAYNE, Secretary.
A. McALISTER.
F. L. SMITH.
J. F. HAYES.
W. A. KESLER.
JAMES BLACKBURN.
GEO. H. ANDREWS.
A. L. DUTTON.
FORREST E. BROWN.
W. M. STOVER.
R. M. SMITH.
S. D. BALLOU.

STATE OF CALIFORNIA.

COUNTY OF SAN LUIS OBISPO, } SS
CITY OF SAN LUIS OBISPO. }

I, E. W. CLARK, president of the board of trustees of the city of San Luis Obispo, State of California, do hereby certify that I now am and at all the times herein mentioned was the duly elected, qualified and acting president of said board of trustees of the city of San Luis Obispo:

That Warren M. John, Howard M. Payne, A. McAlister, F. L. Smith, J. F. Hayes, W. A. Kester, James Blackburn, Geo. H. Andrews, A. L. Dutton, Forrest E. Brown, W. M. Stover, R. M. Smith, S. D. Ballou, L. F. Sinsheimer and W. H. Metz, a majority of whose names appear signed to the foregoing proposed charter and the alternative proposition were and each of them was on the 11th day of April, 1910, duly elected by the qualified voters of said city as a board of freeholders to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five (5) years immediately prior thereto a qualified elector of said city of San Luis Obispo; that said board of freeholders in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said city of San Luis Obispo in duplicate; that the foregoing is a full, true and correct copy of said proposed charter for said city of San Luis Obispo, including the said alternative proposition, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me, as president of the said board of trustees of the city of San Luis Obispo and the other copy thereof was duly returned to and filed with the recorder of the county of San Luis Obispo, all within ninety (90) days after said election, as required by Section 8 of Article 11 of the Constitution of this State; that such proposed charter and the said alternative proposition were then published in the "Morning Tribune" (the same being a daily newspaper of general circulation in said city) for more than twenty (20) days and the first publication thereof was made within twenty days after completion of said proposed charter and said alternative proposition; that within thirty (30) days after the publication of said proposed charter and the said alternative proposition as aforesaid and as required by said Section 8 of Article 11 of said Constitution, to wit: On the 12th day of September, 1910, said proposed charter and said alternative proposition were submitted at a special election duly held and called therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole and said alternative proposition therein contained being voted upon separately was rejected by a majority of such votes; that the returns of said election were duly canvassed by the board of trustees of said city of San Luis Obispo, on the 19th day of September, 1910, and the result thereof declared as above set forth; that in all matters and things pertaining to said proposed charter and the said alternative proposition the provisions of Section 8 of Article 11 of the constitution and the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have in every particular been fully complied with.

IN WITNESS WHEREOF, I hereunto set my hand and cause the corporate seal of said city of San Luis Obispo to be affixed, this 22nd day of December, 1910.

E. W. CLARK,

[SEAL]

President of the Board of Trustees of the
City of San Luis Obispo.

Attest:

W. J. MILES,

City Clerk and ex officio Clerk of the Board of Trustees
of the City of San Luis Obispo.

AND WHEREAS, said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article 11 of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of San Luis Obispo as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby, approved as a whole as and for the charter of the said city of San Luis Obispo.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hadden, Hurd, Juilliard, Larkins,

Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Sheridan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wolfe—31.

NOES—None.

Senate Concurrent Resolution No. 4 ordered engrossed and transmitted to the Assembly.

Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII of Chapter IV, Title II, Part IV thereof, a new Section, to be numbered section four thousand and eighty-eight *a*, relating to the issuance of county bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Avery, Belden, Bell, Bell, Bingham, Bingham, Bingham, Bennett, Cannuccio, Campisell, Casady, Castro, Edwards, Fane, Gage, Hale, Hunt, Julliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Sheridan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 43—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Supreme Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 19 *g*, relating to probation officers in counties of the eighth, tenth, sixteenth and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Bill read second time, ordered engrossed, and on file for third reading.

MOTION.

Senator Wolfe moved that Senate Bill No. 43 be recalled from engrossment, and referred to Committee on County Government.

Motion carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read second time, ordered engrossed, and on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

By Senator Curtin: Senate Bill No. 372—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code.

relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Bill read first time, and referred to Committee on Banking.

ADJOURNMENT.

At twelve o'clock and ten minutes P. M., on motion of Senator Martinelli, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, January 17, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Stedbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 16, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

ESTUDILLO, Chairman.

Senate Bill No. 162 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT. Your Committee on Engrossment and Enrollment has examined Senate Bill No. 133—An Act to amend section seven hundred and eighty-two of an Act entitled, "An Act to establish a Civil Code," approved May 21, 1872 relating to termination of estates; and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 133 ordered on file for third reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT. Your Committee on Roads and Highways, to which was referred Senate Bill No. 1—An Act to provide a state highway from Marysville, Oregon, to El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Also Senate Bill No. 279—An Act to establish the California state highway, to define its course, to provide for its survey, its construction, repair and maintenance and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be referred to the Committee on Finance.

GATES, Chairman.

Senate Bills Nos. 4 and 279 ordered referred to Committee on Finance.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT. Your Committee on Fish and Game, to which was referred Senate Bill No. 102—An Act to amend the Penal Code by amending Section 2269 thereof relating to the use of animals as birds have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 102 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Avery: Senate Bill No. 374—An Act to amend Sections 3672, 3682, 3692, Subdivision 8 thereof, 3696, 3714, 3728, 3731, 3732, 3737, 3746, 3748, 3754, 3756, 3758, 3759, 3764, 3797, 3831, and 3866 of the Political Code of the State of California, relating to the equalization of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Cassidy: Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quelling of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily

injury to, any person, and prescribing a penalty for the violation of said section.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School, and making provision for the return of said appropriation to the state treasury.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 367*d*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof relating to the right of trial by jury by providing that three-fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the People of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature.

Also: Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367*c*, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collide with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Also: Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Constitutional Amendments Nos. 13 and 6 ordered on file.

Senate Bills Nos. 10 and 32 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to home-steads and exemptions.

Also: Senate Bill No. 48—An Act to amend Section 737 of the Political Code relating to the salary of superior judges.

Also: Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation"; providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer; providing for the

manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended and that Senate Bill No. 25 be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 34, 134, and 48 ordered on file for second reading.
Senate Bill No. 25 ordered re-referred to Committee on Finance.

MOTION.

Senator Stetson asked for and was granted unanimous consent to recall Senate Bill No. 25 from Committee on Finance, and that Senate Bill No. 25 be taken up for second reading.

SECOND READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 25. An Act to create a "State Bureau of Criminal Identification and Investigation"; providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties, and powers; providing for the appointment of a director, six clerks, and one stenographer, fixing the compensation of said managers, director, clerks, and stenographer, providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 4, line 4, strike out the word "people" and insert in lieu thereof the follow: "persons."

Amendment adopted.

Also:

On page 2, Section 4, line 4, strike out the words "may thereafter," and insert in lieu thereof the following: "shall hereafter."

Amendment adopted.

Also:

On page 2, Section 4, lines 4 and 5, strike out the words "and tried" and insert in lieu thereof the following: "of a felony."

Amendment adopted.

Also:

On page 2, Section 4, line 6, strike out the comma after the word "America" and insert in lieu thereof a period, and strike out all the remainder of the section.

Amendment adopted.

Also:

On page 2, Section 5, line 1, strike out the second word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 2, Section 5, line 5, strike out the word "may" and insert in lieu thereof the following: "shall."

Amendment adopted.

Also:

On page 3, Section 5, line 9, strike out the word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 3, Section 5, line 34, strike out the word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 4, Section 6, line 24, strike out the word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 4, Section 6, line 30, strike out the word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 4, Section 6, line 1, strike out the figure "6" and insert in lieu thereof the figure "7."

Amendment adopted.

Also:

On page 5, Section 7, line 1, strike out the figure "7" and insert in lieu thereof the figure "8."

Amendment adopted.

Also:

On page 5, Section 7, line 5, strike out the second word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 5, Section 8, line 1, strike out the figure "8" and insert in lieu thereof the figure "9."

Amendment adopted.

Also:

On page 6, Section 9, line 1, strike out the figure "9" and insert in lieu thereof the figure "10."

Amendment adopted.

Also:

On page 6, Section 9, line 6, strike out the second word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 6, Section 10, line 1, strike out the figure "10" and insert in lieu thereof the figure "11."

Amendment adopted.

Also:

On page 6, Section 11, line 1, strike out the figure "11" and insert in lieu thereof the figure "12."

Amendment adopted.

Also:

On page 6, Section 12, line 1, strike out the figure "12" and insert in lieu thereof the figure "13."

Amendment adopted.

Also:

On page 6, Section 13, line 1, strike out the figure "13" and insert in lieu thereof the figure "14."

Amendment adopted.

Also:

On page 6, Section 13, line 3, strike out the word "the" and insert in lieu thereof the following: "said."

Amendment adopted.

Also:

On page 6, Section 13, lines 3 and 4, strike out the words "of this bureau."

Amendment adopted.

Also:

On page 7, Section 14, line 1, strike out the figure "14" and insert in lieu thereof the figure "15."

Amendment adopted.

Also:

On page 7, Section 15, line 1, strike out the figure "15" and insert in lieu thereof the figure "16."

Amendment adopted.

Also:

On page 7, Section 15, line 1, after the word "with" insert the following "any of."

Amendment adopted.

Also:

On page 7, Section 16, line 1, strike out the figure "16" and insert in lieu thereof the figure "17."

Amendment adopted.

Also:

On page 7, Section 17, line 1, strike out the figure "17" and insert in lieu thereof the figure "18."

Amendment adopted.

Also:

On page 7, strike out all of Section 18.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Walker asked for and was granted unanimous consent that Senate Bill No. 102 be taken up for second reading.

SECOND READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds.

During the second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On line 6, after the word "birds," insert "except geese."

Amendment adopted.

Also:

AMENDMENT No. 2.

On line 7, after the words "or shore birds," insert the words "except geese."

Amendment adopted.

Also:

AMENDMENT No. 3.

On line 8, after the words "or shore birds," insert the words "except geese."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 11—An Act establishing a State Normal School at Fresno, county of Fresno, State of California, and providing for the construction of a building, and the maintenance of said school.

Also: Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 62—An Act to provide an appropriation for the erection and equipment of an assembly hall and dining-saloon building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a recreation and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 64—An Act to provide an appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be referred to the Committee on Finance.

STROBRIDGE, Chairman.

Senate Bills Nos. 11, 60, 61, 62, 63, and 64 ordered referred to Committee on Finance.

ON AGRICULTURE, RAISING, DWEE AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Forestry, Fruit and Vine Interests, to whom was referred Senate Bill No. 308—An Act to establish a state farm for wheat, and provide an appropriation for same; also for the same under consideration, and respectfully report the same back and recommend that same be re-referred to the Committee on Prisons and Reformatories.

BILLS, Chairman.

Senate Bill No. 308 ordered re-referred to Committee on Prisons and Reformatories.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Wolfe: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 380—An Act to provide for the construction of a new building upon the grounds of the State Normal School at San Francisco and to make appropriation for same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 381—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Hare: Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145, and 1216 of said Political Code, and by adding to said Political Code three new sections to be known and numbered as Section 1106a and Section 1145a and section amending 1072a of said Political Code, all relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Boynton: Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment of information.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 389—An Act to create a reclamation district, to be called "Reclamation District Number 900," and providing for the control and management thereof.

Bill read first time, and referred to the Committee on Drainage, Swamp and Overflowed Lands.

By Senator Burnett: Senate Bill No. 390—An Act to amend Section 868 of the Penal Code, relating to the rights of a defendant in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 391—An Act to add a new section to the Penal Code, to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 392—An Act to amend Section 1070 of the Penal Code, relating to peremptory challenges to jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 395—An Act to add a new section to the Penal Code, to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hurd: Senate Bill No. 396—An Act to prevent vaccination being made a condition precedent to admission to the public or private schools of the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Juilliard: Senate Bill No. 397—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto, to be numbered 10f.

Bill read first time, and referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Beban was, on motion of Senator Avey, granted leave of absence for this day.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Stetson: Senate Bill No. 398—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the Board of Directors of the California Institution for the Deaf and the Blind.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind, at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

REPORT OF SPECIAL COMMITTEE (OUT OF ORDER).

The following report of special committee to investigate the high cost of living, appointed February 16, 1909, was presented by Senator Wolfe, and ordered printed in the Journal:

To the Senate of the State of California:

GENTLEMEN: Your special committee appointed by the President of the Senate at the last session thereof, under the terms of a resolution adopted by the Senate of the State of California on the 16th day of February, 1909, which committee was charged with the duty of investigating the question of the high cost of living in this State, beg leave to report as follows:

At the time of the adoption of the resolution appointing this committee for the purposes named, the action of the Senate was criticized by a portion of the press of this state and of this country as being ridiculous, unwarranted, and calculated to bring no beneficial results to the people. It was said that the law of supply and demand alone regulated the prices of foodstuffs, with due consideration to the cost of production, and that all that would come of the investigation would be the expenditure of the State's money without the state securing its *quid pro quo*.

Within a few months, however, of the action taken by the Senate of this State, a similar action was taken by the legislature of many states in this Nation and also by the Congress of the United States, which is now a matter of history, and your committee believes that it can be safely said, as a result of its investigations and labors, that it has been conclusively proven that other things besides the law of supply and demand have entered into making up the cost of living at least as far as foodstuffs are concerned, to our people in this nation. As the Senate is aware, the chairman of this committee, who is also the author of the resolution creating the committee, had particularly in mind at the time of its introduction the exremely high prices of fish, which is necessarily food consumed largely by the poorer classes of our people. It seemed strange that in a city like San Francisco, which has at its doors one of the largest bodies of water, and so close to the ocean, that the price of fish should be almost as high, if not as high, as the price of meat. And therefore your committee directed its first and strongest efforts along these lines. Private detectives were employed, and members of your committee did considerable individual work along this line. Quiet trips were made by members of your committee to the southern portion of San Francisco to the glue works there located, and other places, with a result that was astounding. Perfectly fresh fish were found dumped at the glue works for use in the making of glue. Large quantities of it were daily taken out there and thus destroyed, removing it from the market and enabling those in control thereof to maintain the high prices then prevailing. People were found to whom men in charge of the glue works had given fish which had been dumped there, which fish were perfectly fresh and edible, and were consumed at the tables of the recipients thereof. The trails of the wagons carrying these fresh fish were followed and check kept upon them, and eventually those responsible for their shipment to the glue works were discovered. Our detectives were then instructed to procure evidence of a combination, which we had reason to believe existed in violation of the laws of this state to maintain a uniformly high price for fish, with a result that was startling, and on the second day of March, 1910, your committee issued subpoenas for about sixty people connected with the fish business, and held its first public meeting on that day in the Board room of the Harbor Commissioners of the city and county of San Francisco, with the Attorney General of the State, Hon. U. S. Webb present. Your committee sat for about two weeks taking testimony, the result of which is known to all the people of this state at the present time. It was discovered that two concerns,

A Paladini and the Western Fish Company, controlled all of the deep water fish, such as sanddabs, soles and rock cod, which is the fish principally consumed by the masses of the people. We found that these two concerns fixed the prices at which the kinds of fish referred to were sold to the retailer, and the retailer in turn fixed the price at which the fish should be sold to the public. We found, further, that the catch of these fish, that is, the quantity of them which the steamboats should bring in, was limited by order of these two companies; and we found, further, that it was from these companies that large quantities of fish were shipped to the glue works for destruction rather than permit them to go on the market. It was shown from the evidence that when an independent company was formed for the purpose of deep water fishing, that a boycott was levied on the dealers in San Francisco and Oakland, so that any of the retail fish men who bought from the independent company were unable to purchase from either Paladini or the Western Fish Company, or any other wholesale fish company, and that in this manner it was possible to regulate the price of fish.

It is only fair to say that while the wholesale fish companies fixed the price to the retail fish dealer, that the price at which the retail fish dealer sold fish to the public was outrageously high as compared with the price which they paid for it. It was also found that there were other wholesale fish dealers in the combine with Paladini and the Western Fish Company, and that the prices fixed by the two last named companies were the prices fixed by all the other wholesalers.

So complete was the control of this trust that retailers were afraid to testify, and under oath stated to the committee their fear that they might be driven out of business, and it was only when your committee and the Attorney General of this State guaranteed to these men all the protection of the laws of this State, that their testimony was freely given. In one case the proprietor of a leading cafe in San Francisco sent for the chairman of this committee and informed him that notice had been served on him by an agent of the trust that if they bought certain classes of sea food from an independent concern not connected with the trust it would be impossible to deliver fish to him, and the manager of this cafe promised to appear before the committee the next morning and testify to these facts. When he did testify, he denied that he had made such a statement to the chairman of your committee, and did not remember that he had said anything of the kind, or that anything of that kind had occurred, but after persistent effort and the taking of over six hundred pages of testimony, your committee was enabled to gather sufficient evidence to prove the existence of a combination in restraint of trade and in violation of the anti-trust law of the State of California. One or two of the witnesses produced refused to testify before the committee, and it had been the original intention of the committee to call this to the attention of the Senate so that these recalcitrant witnesses might be brought before the bar of the Senate and be punished for contempt thereof, but subsequent events have made this unnecessary. The Attorney General of the State, General Webb, sat with our committee and took a prominent part in the examination of the witnesses that were called, and when the mass of evidence taken was written up, it was turned over to the Attorney General and to the District Attorney of the city and county of San Francisco, who had also been invited to sit with our committee, and by the District Attorney turned over to the grand jury of the city and county of San Francisco. The indictments that followed are a matter of history. And while it is true that under the provisions of Section 304 of the Political Code, which at the time of this investigation neither your committee nor the Attorney General nor the District Attorney had in mind, it was held to be impossible to proceed to mete out the punishment so highly merited by these violators of the law, yet fines were imposed upon many of them and the law was thus partially vindicated, although your committee respectfully suggests that if the trust continued after the date of the testimony given before this committee, it might be possible still to proceed against the trust for violations of the law after the period of their testimony.

But these things are certain, that as a result of this investigation the combination is broken up; that there is now open competition for business; that the prices of fish are lowered, and that for the first time in the history of the city and county of San Francisco men like Paladini are advertising the price at which fish can be purchased from their markets by any person, dealer or consumer.

And further than this, the Italian fishermen who go out in the fishing smacks, braving the elements, and who heretofore sold all their fish through an agent named Strolezi, which agent was, by the way, also on the pay roll of A. Paladini and the Western Fish Company, are now selling their fish to any person who comes along, whether dealer or consumer, the same as they did in the days before the formation of the trust, so that to-day the housewife can go down to these markets and for twenty-five or thirty-five cents buy sufficient fish for at least one meal for a large family, which a few months ago was impossible.

It developed during the taking of this testimony that there was a scarcity in our waters of some species of fish, and it was charged that the shrimp fishermen were responsible for this scarcity by reason of the fact that the mesh of the nets that they used was so small as to make it impossible for young fish to escape therefrom when the Chinese were fishing for shrimps. Your committee, therefore, determined to

investigate this for themselves, and proposed the use of a launch and canoe, to a point on the Marin shore of the bay of San Francisco where the fishing boats, which fishers hold forth, and your committee were with them, both were from and from of young fish thrown on the beach from the nets of the sailing fishery, which committee was immediately reported to the State Fish and Game Commission. So that as a result of our investigations of the fish commission your committee has nothing more to mend as follows:

First—That there be a closed season for at least two months for shrimps in the waters of this State in order that food will not be scarce and the fish again plentiful.

Second—That the Harbor Commissioners be directed to license fish markets for the sale of fish caught in the waters of our State.

Third—That Section 304 of the Political Code be repealed.

It had been the purpose of your committee to recommend the amendment of it, if it had been impossible to break up the combination at length, to recommend that the State itself should go into the business of marketing and distributing food on free markets owned by the State, at least to the extent of the market in butter, as it is so infamous that words can not be found to express it, that a food supply cannot be the Almighty in the waters of our State for the use of the whole people. The meat which was all the more necessary to the people because of the high price of meat, should be so controlled and saved that our own citizens would not have to suffer. But present conditions appear to make this necessary. But it might be well to suggest in this connection that whenever we find out that the State has resumed its unlawful business, the Harbor Commissioners be directed to refuse accommodations on the property owned by the State for the transaction of an unlawful business.

BUTTER AND EGGS.

Frequent complaints were made to this committee about the high price of butter and eggs, and your committee adopted the same course that it pursued in the first case. It employed private detectives to gather evidence of a combination in the case. Your committee went personally in Philadelphia and Santa Rosa and made a thorough investigation. Your committee also visited the leading cold storage plants in the search for evidence, but we cannot see that it was the duty of your committee to gather testimony that would show the existence of an unlawful combination in connection with butter and eggs. We found that there are exchanges in San Francisco and Petaluma that handle the bulk of these commodities, and that when the price is fixed daily by these exchanges, we can not prove that this action is unlawful.

During our visit to the cold storage plants we found that thousands of butter and eggs in cold storage, in some instances putting into the refrigerator at thousands of dozens of eggs and like quantities of pounds of butter. These engaged in winter farming and in the manufacture of butter say that it is absolutely necessary to place these food supplies in cold storage at certain seasons of the year, that if this were not permitted it would compel many dairymen and butter factories to go out of business. While butter and eggs are plentiful during the spring, the surplus is largely in excess of the demand and they obtain it only by being able to put their surplus in cold storage that they can continue in business.

It is a debatable question whether this be true or not, for notwithstanding the fact that there is no limit to the time that foodstuffs may be kept in cold storage, the price of butter and eggs in the winter is as high today as higher, in the summer than it was before the days of cold storage plants. In fact, your committee strongly suspects that in many cases cold storage butter and eggs are sold as fresh butter and eggs and prices obtained accordingly, and we are of the opinion that some consideration should be given by the Legislature at this session to the question of the wisdom of fixing a time limit, say of sixty or ninety days, after which any foodstuffs that may have been in cold storage should be considered unfit for public consumption.

FINANCIAL.

The Senate appropriated the sum of \$5,000.00 from its Contingent Fund for the use of this committee. Of this amount the following has been used, namely, the sum of \$2090.70, which we expended as follows:

1910.		
Jan. 14	Thos. J. Dillon, detective service	\$200 00
Feb. 21	Anna C. Rusted, typewriting	5 50
Mar. 18	The Curtin Detective Agency	344 80
Mar. 23	Andrew Glover, Italian interpreter	80 00
Mar. 23	J. P. Stevens, taking and transcribing testimony	1,150 00
Mar. 30	Sanders Printing Co.	5 75
June 16	M. E. Flaherty, automobile hire	20 00
Sep. 23	M. E. Flaherty, automobile hire	40 00
Sep. 23	Curtin Detective Agency	209 65
Dec. 27	E. Salomon, stenographer	25 00

\$2,090 70

Your committee begs leave to call to the attention of the Senate the fact that

many complaints have come to the members thereof concerning false weights and measures of foodstuffs purchased by housewives, and to recommend the adoption of remedial legislation to check this injustice.

Your committee is pleased to be able to report that, notwithstanding months of work on their part, not one cent of the moneys set aside from the Contingent Fund of the Senate was used for anything personal to the committee, but that every dollar has been judiciously expended to promote the work in which your committee was engaged, and that there is a balance of of \$2,909.30 left unexpended in the Contingent Fund of the Senate.

The testimony taken on the hearing of the fish trust investigation accompanies this report.

Respectfully submitted.

EDWARD I. WOLFE, Chairman.

RICHARD J. WEICH.

JOHN P. HARE.

PRESIDENT PRO TEM BOYNTON IN THE CHAIR.

At ten o'clock and fifty minutes A. M., President pro tem. A. E. Boynton in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Caminetti: Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce; to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of surveys, plans, and estimates in connection therewith.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Stetson: Senate Bill No. 405—An Act to amend Section 166 of the Civil Code of the State of California, relating to separate property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Campbell: Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the chief of engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Cutton: Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Bill read first time, and referred to Committee on Roads and Highways.

PRESIDENT ALBERT J. WALLACE IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON FINANCE

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 7—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at various exhibitions, fairs and expositions, and to provide for a commissioner thereof, and authorizing fees, salaries and duties, have had the same under consideration, and respectfully report the same back and recommend that it be referred to the Committee on Agriculture, Dairying, Fruit and Vine Interests.

CUTTEN, Chairman.

Senate Bill No. 7 ordered re-referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 15—An Act appropriating money for the erection of buildings and land adjoining title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon, have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Public Buildings and Grounds.

CUTTEN, Chairman.

Senate Bill No. 15 ordered re-referred to Committee on Public Buildings and Grounds.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other open channels of the State, and improving the navigability of such streams, have had the same under consideration, and respectfully report the same back and recommend that it be transmitted to the Committee on Commerce and Navigation.

CUTTEN, Chairman.

Senate Bill No. 197 ordered re-referred to Committee on Commerce and Navigation.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California, have had the same under consideration, and respectfully report the same back and recommend that it be referred to the Committee on Military Affairs.

CUTTEN, Chairman.

Senate Bill No. 258 ordered re-referred to Committee on Military Affairs.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 133.—An Act to amend section seven hundred and eighty-nine of an Act entitled, "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES.—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Haas, Harte, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rosberry, Rush, Sanford, Shughan, Stotson, Thompson, Tyrrell, Walker, Welch, Wolf, and Wright—35.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 5.

Approving charter of the City of Oakland, County of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

WHEREAS, The city of Oakland, a municipal corporation of the county of Alameda, State of California, now is and was at all times herein mentioned a city containing a population of more than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 6th day of July, 1910, under and in accordance with law and provision of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for the government of said city of Oakland, which charter was signed in duplicate by a majority of the members of said board of freeholders on the 4th day of November, 1910, and thereupon duly returned and filed one copy thereof with the mayor of the city of Oakland, and another copy thereof with the county recorder of said Alameda County in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Oakland Enquirer and the Oakland Tribune, each being a daily newspaper of general circulation printed and published in said city of Oakland, and said publication as aforesaid continued for a period of twenty days, the first publication thereof being made at within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Oakland at a special election previously duly called and held therein on the 8th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Oakland voting at said special election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same; and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Oakland duly canvassed the returns of said special election and found and declared that the majority of the said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of the said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF THE CITY OF OAKLAND PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED JULY 6TH, 1910.

CHARTER OF THE CITY OF OAKLAND.

ARTICLE I.

NAME AND RIGHTS IN SUCCESSION OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation now existing and known as the city of Oakland shall remain and continue a body politic and corporate in name and in fact by the name of the city of Oakland, and by such name shall have perpetual succession.

Rights and Liabilities in Succession.

SEC. 2. The city of Oakland shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the city of Oakland shall be as now fixed and established. The area contained within said boundaries is as follows, to wit:

1st. All of Oakland township in the county of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie

within the corporate limits of the city of Alameda, the city of Berkeley, the town of Emeryville, the city of Piedmont, and the city of Albany. Also exclusive of such portion of said township as lies northwesterly of the northern boundary line of the above said city of Berkeley.

2d All of the Brooklyn township in the county of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the city of Alameda, the city of San Leandro, and the city of Piedmont; also exclusive of such portion of said township as lies northwesterly of the northern boundary line of that portion of the Republic of San Antonio as has been heretofore granted by the United States of America to Antonio Maria Peralta, by patent bearing date of June 25, 1874, and recorded September 17, 1874, in liber A of patents, page 648, records of Alameda county; also exclusive of such portion of said township as lies easterly and northwesterly of the eastern and northeastern boundary lines of that portion of said Republic of San Antonio as has been heretofore granted by the United States of America to Antonio Maria Peralta by patent bearing date of February 2nd, 1878, and recorded April 5th, 1878, in liber A of patents, page 52, records of said Alameda county.

ARTICLE III

ELECTIONS

General, Special and Nominating Elections

SEC. 4. A municipal election shall be held on the third Tuesday in April, of the year 1911, and on the third Tuesday in April, in the years 1913, and on the third Tuesday in April in every second year thereafter, and shall be known as the nominating municipal election. A second election to fill the offices for which nominations have been chosen at the nominating municipal election shall be held on the third Tuesday after said nominating municipal election and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this chapter or otherwise shall be known as special municipal elections.

Nomination and Election of City Officers

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of Candidacy.

(2) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDACY

I, _____, residing at No. _____ Street, Oakland, Cal., being duly sworn, hereby declare myself a candidate for the office of _____ to be voted for at the _____ municipal election to be held in the city of Oakland, on the _____ day of _____, 19____.

(Signed) _____

STATE OF CALIFORNIA.

COUNTY OF ALAMEDA.

CITY OF OAKLAND.

ss.

Subscribed and sworn to before me this _____ day of _____, 19____.

City Clerk (or Notary Public).

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth. Such candidate not having withdrawn under the provisions of this article.

Form of Nominating Petition.

(3) The petition of nomination shall consist of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

(Individual Certificate.)

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____ whose residence is at No. _____ Street, Oakland, for the office of _____ to be voted for at the nominating municipal election to be held in the city of Oakland on the _____ day of _____, 19____; that I believe said _____ is fully qualified for said office and should be elected thereto; and I further certify

that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office; that my residence is at No. _____ street, between _____ street and _____ street, Oakland, and that my occupation is _____
(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND.

_____ being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public (or verification deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, Cal.

Forms to be Supplied by the City Clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Eligibility of Verification Deputies.

(6) All verification deputies under this charter shall be qualified electors of the city of Oakland. They shall be appointed by the city clerk upon written application of not less than five (5) nor more than ten (10) qualified electors of the city of Oakland. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of certificates in the matter of _____. Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and whether or not they are qualified electors of the city of Oakland, California.

Date of Presenting Petition and Form Thereof.

(7) A petition of nomination, consisting of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner and the certificates shall then be numbered consecutively.

Examination of Petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the city clerk he shall forthwith examine the same and ascertain whether it conforms to the provisions of this charter. Within seven days after its presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of said examination and forthwith send by registered mail a copy of said certificate to the person named as the person to whom the petition shall be returned in accordance with this section. If the petition be found not to conform to the provisions of this charter such certificate of the city clerk shall designate as to the petition and as to each individual nomination certificate found to

be defective, the defect therein. If by the said certificate of the city clerk the petition is shown to be insufficient it may be amended by the presentation of an additional nominating petition containing additional nominating signatures not more than twenty-two days before the date of the nominating municipal election. The city clerk shall within five days after the presentation of such additional nominating petition make like examination and determination of the petition proper, and attach to it a like certificate and shall if any is deficient, and if he so deems, and show the amended petition to be insufficient, or if an additional nominating petition shall have been presented the petition shall be returned to the person named in the person to whom the petition is to be returned. If necessary the city clerk shall provide extra help to enable the city clerk to perform his duties under any existing provision of this charter.

Withdrawal of Signers

(9) Any signer to a certificate forming part of a petition or nomination may withdraw his name from the same by filing with the city clerk a written declaration of his signature before the presentation of the petition to the city clerk, and otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidates for Nominations

(10) Any person who has filed his declaration of nomination as in this article provided may, not later than thirty (30) days before the date of the nominating municipal election, cause his name to be withdrawn from nomination by filing with the city clerk an affidavit stating that he so desires, and his name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of nominations remaining does not exceed the number to be elected, then other nominations may be made by presenting petitions (therefor not later than twenty-two (22) days prior to such election).

Filing of Petitions

(11) If either the original or the amended petition of nomination be found to conform to the provisions of this article, the city clerk shall file the same not more than twenty days before the date of the election. Where a petition or nomination shall have been filed by the city clerk it shall not be withdrawn, nor shall it and no signature shall be revoked therefrom.

Preservation of Petitions.

(12) The city clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto and under this section.

Election Proclamation.

(13) Immediately after such petitions are filed, the city clerk shall cause the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before the nominating municipal election, certify such list as being the list of candidates nominated as required by the charter of the city of Oakland, and the council shall cause said certified list of names and the offices to be filled, designated whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days commencing seven days immediately preceding the election, in the official newspaper. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

(14) The city clerk shall cause the ballots to be printed and bound and purchased as provided for by the State law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

CENTRAL (OR NOMINATING) (OR SPECIAL) MUNICIPAL ELECTION, CITY OF OAKLAND.
(Inserting date thereof.)

Instructions to Voters. To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void, if you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of Ballot.

(15) All ballots shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the ballot for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alpha-

ketical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots used at any election under this charter shall, as to indistinguishability, conform to the provisions of this subdivision.

Every Nominee to Be on Ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

- For Mayor (if any) vote for one.
- For auditor, who shall be ex officio assessor (if any) vote for one.
- For commissioner No. 1 (if any) vote for one.
- For commissioner No. 2 (if any) vote for one.
- For commissioner No. 3 (if any) vote for one.
- For commissioner No. 4 (if any) vote for one.
- For school director No. 1 (if any) vote for one.
- For school director No. 2 (if any) vote for one.
- For school director No. 3 (if any) vote for one.
- For school director No. 4 (if any) vote for one.
- For school director No. 5 (if any) vote for one.
- For school director No. 6 (if any) vote for one.

Space for Voting Cross.

(18) A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(19) A half-inch space shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Sample Ballots.

(20) The clerk shall cause to be printed sample ballots identical, except as to character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

General Municipal Election.

(21) The two candidates receiving the highest number of votes for any given office at the nominating municipal election shall be the candidates, and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election or special municipal election; *provided* that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other person received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise be candidates for such office and their names shall be printed upon the ballots.

At such general municipal or special municipal election the candidate for any office who receives the highest number of votes at such election shall be declared elected to such office.

If at any general municipal or special municipal election the mayor, auditor, any commissioner or any school director be not elected by reason of a tie vote, then the council then in office shall by lot choose from the candidates receiving such tie vote the necessary number to fill such office or offices.

All the provisions and conditions above set forth as to the conduct of nominating municipal elections; and the same precincts and polling places shall, if possible, be used.

Informalities in Election.

(22) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections so far as they may be applicable, shall govern all municipal elections, *provided* that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting Machines.

(2) In case voting machines shall be used at any municipal election, the council shall have power, by ordinance, to amend the constitution of the machines so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV

RECALL OF ELECTIVE OFFICERS

Applies to all Elective Officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows.

Petition for Recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected (provided that the number of signers to any petition for the recall shall not be less than three thousand), which said petition shall request the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of Petition.

(3) The petition for recall and removal from office shall be substantially as follows.

(Individual certificate.)

PETITION TO THE COUNCIL

REQUIRING A SPECIAL MUNICIPAL ELECTION

(If such be the case.)

(The above heading must be printed in type of a 24 point Roman type, caps and lower case.)

For the Recall of (name of officer)
From the Office of (name of office)

REASONS FOR THE RECALL OF
(name of officer) FROM OFFICE.
(Here insert such reasons.)

REASONS AGAINST THE RECALL OF
(name of officer) FROM OFFICE.
(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requesting that it forthwith submit, as provided in the charter of Oakland, on the vote of the electors of the city of Oakland, at a special (or the next general) municipal election, the question whether (name of officer) shall be removed from the office of (name of office).

I further certify that I have read the above reasons for and against the recall of said officer and believe that _____ should be recalled; that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street in said city, and that my occupation is _____.

Signed _____

STATE OF CALIFORNIA,

COUNTY OF ALAMEDA,

CITY OF OAKLAND,

ss

_____ being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____

Verification, deputy city clerk.

The petition of which this certificate forms a part, shall, if found reasonable, be returned to _____ at No. _____ street, Oakland, California.

Filing and Examination of Petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a commissioner, deputy as to the truth and correctness of the statements made in such certificate.

These certificates shall be fastened together, as provided herein for purposes of nomination, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates.

Immediately upon the receipt of such petition, the city clerk shall endorse thereon the time at which said petition was received by him. The city clerk shall thereupon

immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this chapter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send or registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this chapter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect thereon. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall signatures. The city clerk shall within seven days after the presentation of the amended petition and attach to it a like certificate and mail a copy of aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose.

If and when the city clerk shall find the said petition or amended petition to conform to the requirements of this chapter he shall endorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of Signature.

(5) Any signer of a petition for the recall, the initiative or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And in case said revocation is filed by the city clerk before the said petition is filed with the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of Intention to Circulate Petition.

(6) Before any petition for the recall of any officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election Under Recall Petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general municipal election.

Penalty for Non-performance—Life of Petition.

(8) If the city clerk or any member of the council shall willfully fail or neglect to do or perform any act or duty in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any salary during his further continuance in office and the Auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this chapter, be not submitted to the voters at or within the time elsewhere specified in this chapter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of Recall. Officers Justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Recall Ballots.

(10) The ballots at every election at which a question will occur to be determined shall contain, as to every officer whose recall is to be asked, the following question:

Shall _____ be removed from his office or
by recall?

Following which question shall be the words "Yes" and "No" in separate lines with a blank space at the right of each in which the voter may indicate, by marking or writing a cross (X), his vote for or against recall.

On such ballots under each such question there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by vote of the people. The nomination of candidates for persons in such ballots shall be made in the same manner as provided in this chapter for nomination elections, excepting that the person whose recall and removal from office is petitioned for shall be named as a candidate, and, in case within five days after the petition requesting the recall of the election is filed by the city clerk, he receives by return of mail a majority of the votes signed and verified by him and filed with the city clerk to remove the name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this chapter. All provisions of this charter relating to ballots at nomination municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all elections at every election at which a question of recall is to be determined, and the voting at elections under this article shall be done in accordance with the provisions of this charter providing for the calling of nominating municipal elections.

Recall—What Constitutes

(11) The person for whose recall and removal from office petition is made shall, if he do not resign, continue to perform the duties of his office until after the election, having canvassed the vote, shall declare that a majority of those voting on the question as to whether said person shall be recalled and removed from office have voted for his recall and removal from office. The council shall canvass the vote cast at and declare the result of the election within four (4) days from the day on which the election is held.

If a majority of those voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of such person being recalled and removed from office, the person for whose recall and removal from office such majority has voted shall be deemed to be recalled and removed from office upon the canvass of the returns of said the declaration of the result of said election by the council.

Election.

(12) If at the election for recall and removal from office a vacancy be created, any candidate receiving at said election a majority of the votes cast on said election shall be thereby elected.

If at the election for recall and removal, a vacancy is so created and not filled by a candidate receiving a majority of votes, then the council shall order the holding of a second election to take place not more than two weeks nor less than one week after the first election. At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those persons who received the most votes, less than a majority) shall be placed upon the ballot, except that, in case of a tie between the second and third highest, the person or persons subdivision twenty-one (21) of section two (2) shall apply.

In all other respects the calling of said second election, the canvassing of the ballots and the conduct of the second election shall be the same as provided in this charter for general municipal elections, except as otherwise provided in this article.

The council shall canvass the returns and declare the result of said second election within four (4) days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the same manner as his predecessor in said office.

In case of a tie vote at the second election for any office the council shall be authorized to choose from the candidates receiving such tie vote the one to fill such office.

Percentage for Subsequent Recall.

(13) If, at a recall election, a majority shall vote against recalling an officer sought to be removed, or if such officer shall be nominated to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of mayor at the next succeeding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No Recall Petition for First Six Months.

(14) No recall petition shall be filed against any officer until he has been in said office for at least six months.

Incapacity of Recalled Official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section and to adapt the provisions of section five (5) thereto.

ARTICLE V.**ELECTIVE OFFICERS.*****The Elective Officers.***

SEC. 8. The elective officers of the city shall be a mayor, an auditor who shall be ex officio assessor, four commissioners and six school directors.

The council shall consist of the mayor and the four commissioners above specified, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the six school directors and the commissioner designated to the department of revenue and finance, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board of education.

Candidates for commissioner shall be designated on all official election ballots as candidates for commissioner No. 1, or No. 2, or No. 3, or No. 4 (said numbers to be printed after the designating title "commissioner," there being as many numbers from 1 up as there are commissioners to be elected) in accordance with the declarations of candidacy, which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election, and qualification of such commissioner; but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Candidates for school director shall be designated on all official ballots as candidates for school director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6 (said numbers to be printed after the designating title "school director," there being as many numbers from 1 up as there are school directors to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such school director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Elected at Large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of Mayor, Auditor, and Commissioners.

SEC. 10. To be eligible to the office of mayor, auditor or commissioner, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the city of Oakland for four years next preceding his nomination.

Eligibility of School Directors.

SEC. 11. To be eligible to the office of school director a person must be a citizen of the United States, of the age of twenty-one years, and shall have been a resident of the city of Oakland for two years next preceding nomination.

Vacancy in Office.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and his successor at such election shall be elected for the full or unexpired term, as the case may be; *provided that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this charter, relating to the recall.*

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and the successor of such appointee elected at such election shall be elected for the full or unexpired term, as the case may be; *provided that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this charter relating to the recall.*

Vacancy—What Constitutes.

SEC. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of

election has been handed to him or sent by registered mail to his last known address does, resigns, is recalled and removed from office, ceases to be a member of the council, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a crime, voluntarily determined to be incompetent, forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and Auditor's Term of Office.

SEC. 14. The mayor and auditor shall each hold office for a term of four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by recall or otherwise; *provided*, however, that the term of office of the auditor first elected under this charter shall be for two years only.

Commissioner's Term of Office.

SEC. 15. The commissioners shall hold office for a term of four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by recall or otherwise; *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that two shall serve for two years and two for four years.

At each general municipal election after the first held under this charter, there shall be elected two commissioners.

School Director's Term of Office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected or appointed and qualified, unless sooner removed from office by recall or otherwise; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that three shall serve for two years and three for four years.

At each general municipal election after the first held under this charter, there shall be elected three school directors.

SEC. 16A. The term of each elective officer shall commence at eleven o'clock A. M. on the day fixed herein.

Official Bonds.

SEC. 17. The mayor, auditor, treasurer, each commissioner, and each school director shall, before entering upon the duties of his office, each give and execute to the city a bond as hereinafter provided. No surety on and official bond other than lawfully authorized surety companies shall be taken unless he shall be a owner of taxes on property not exempt from taxation or subject to assessment claims, the assessed value of which over and above all exemptions is equal in amount to his liabilities on all bonds on which he may be surety to the city, and such surety shall certify and make an affidavit (for which a form shall be printed upon said bonds, signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

The bond of the mayor and of each commissioner shall each be in the penal sum of ten thousand (\$10,000) dollars, of the auditor in the penal sum of twenty-five thousand (\$25,000) dollars, of the treasurer in the penal sum of one hundred thousand (\$100,000) dollars, and of each school director in the penal sum of twenty-five hundred (\$2,500) dollars.

Every bond shall contain the condition that the principal will with truth, honesty, and faithfully perform the duties of his office. All bonds except those of the mayor and auditor must be approved by the mayor and auditor; the bond of the mayor must be approved by the auditor and a majority of the council; the bond of the auditor must be approved by the mayor and a majority of the council.

The council may, by ordinance, increase the amount of bond herein required from any officer, and may require a bond to be given by any officer not herein required to give bond and may fix its amount.

When under any of the provisions of this charter, or of any ordinance, an official bond shall be required from any officer, the council, or board, as the case may be, may by resolution require an additional bond, whenever, in the opinion of such council, or board, such bond or any surety thereto becomes insufficient.

The approval of the official bonds must be indorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk, except the bond of the city clerk, which must be filed with the auditor. Upon the approval of a bond it must be recorded in a book entitled "Records of Official Bonds," kept for that purpose by the city clerk in his office. All the provisions of the law of the state relating to official bonds of city officers, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 18. Every officer of the city before entering upon the duties of his office, shall take the following oath of office and file the same with the city clerk:

I solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of California, and the charter of the city of Oakland, and will truly and to the best of my ability perform the duties of the office of _____.

(Signed)

Subscribed and sworn to before me this _____

day of _____

19____.

City Clerk (or Notary Public).

Salaries.

SEC. 19. The mayor shall receive an annual salary of forty-two hundred (\$4200) dollars, payable in equal monthly installments.

The auditor shall receive an annual salary of thirty-six hundred (\$3600) dollars, payable in equal monthly installments.

Each commissioner shall receive an annual salary of thirty-six hundred (\$3600) dollars, payable in equal monthly installments.

Each school director other than the commissioner of revenue and finance shall receive ten dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than forty (\$40) dollars in any one month.

Administering Oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board provided for in this charter shall, in all matters of or pertaining to the city or its business, have the power to administer oaths and affirmations, and every such officer and board shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the council or before any such officer or board. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before the council or before any such officer or board or to answer any question which any officer, or a majority of such board shall decide to be proper and pertinent, he shall be deemed in contempt, and the council or any such officer, or any such board shall have power to take the proceedings in that behalf provided by the general laws of the state. The chief of police must, on request of the council or of any such officer, or of any member of such board, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.**THE MAYOR.****The Chief Executive.**

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances, resolutions and laws thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

The mayor shall, with the aid of the commissioner of public health and safety, take all proper measures for the preservation of public order and the suppression of riots, insurrections or tumults, for which latter purpose he is authorized and empowered to use and command the police force of the city.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least twice each year, the books, records and accounts of the auditor, and of all officers and employees who receive or disburse city money, and the books, records and reports of such other officers and departments as he may deem necessary, and make faithful reports thereof, and present the same to the council and auditor, and file the same with the city clerk. Such accountant may recommend rules and means to improve the methods of keeping the books, records and accounts of the city. Such accountant shall have

unlimited privilege of investigation, to examine upon oath all officers and clerks and employees of the city and county, and other clerks and employees who give all required assistance and information to such examinations, and commit to him for examination such books and papers as he may deem to be required, and failure to do so shall be deemed and held to be a dereliction of duty. The council shall provide for the payment of the services of such examiners.

Supervision of Public Utility Companies

SEC. 25. The mayor shall be charged with the general supervision of all public firms, companies and corporations owning, controlling or operating public utilities so far as they, or any of them, are subject to municipal control; he shall keep himself fully informed as to their operations in all respects with the law, and he shall see that the provisions of all franchise, permits and privileges granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted any inquiry or proceedings as may be necessary to prosecute persons, firms, companies and corporations owning or controlling or operating public utilities. In violation of law and, as may be necessary, to revoke, amend, suspend or forfeit any franchise, permit and license that may have been granted by the city to any person, firm, company or corporation which may have become forfeited or in which or in part of which he has caused an illegal or void or voidable. The city attorney, or any deputy of the mayor or of the council, must institute and prosecute the necessary action to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

The Five Municipal Departments

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be divided into five general departments, as follows:

(1) Department of public affairs, which shall be under the supervision of the mayor.

(2) Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.

(3) Department of public health and safety, which shall be under the supervision of the commissioner of public health and safety.

(4) Department of public works, which shall be under the supervision of the commissioner of public works.

(5) Department of streets, which shall be under the supervision of the commissioner of streets.

Council to Assign Powers and Duties

SEC. 28. (1) The council, at its first regular meeting after each general municipal election, or within ten days thereafter, shall be authorized to elect, designate and assign one of its members, not to exceed five, to the commission of revenue and finance; one to be commissioner of public health and safety; one to be commissioner of public works; and one to be commissioner of streets. *Proviso:* If the council is unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation. It is expressly provided that the number by which a commissioner was designated upon the official ballot shall have no relation to and shall in no manner be considered in the determination as to the particular commission or department to which such commissioner is designated and assigned.

(2) The council may change such designations and assignments, except that of the department of public affairs, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith, except that as to the civil service board such may be done only at the request of said board, and may reassign particular officers and employees to duty in more than one department of the city government; may require an officer or employee to perform duty in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provisions for all such matters.

Department of Public Affairs.

SEC. 29. (1) The department of public affairs shall have supervision of the relations of the city with the government of the United States, the states of the union, the county and other municipalities, and shall have supervision over all boards appointed by the mayor.

Department of Revenue and Finance.

(2) The department of revenue and finance shall have supervision of all financial matters of the city, except as otherwise provided in this charter; and shall include the office of the treasurer.

Department of Public Health and Safety.

(3) The department of public health and safety shall have supervision over and shall include the police department, the fire department, the health department, the electrical department, the municipal employment office, the office of license inspector and the office of building inspector.

Department of Public Works.

(4) The department of public works shall have supervision of all buildings belonging to or used by the city, except as otherwise provided in this charter, of all wharves, docks, slips, quays, and water front property, belonging to or under the control of the city, and of all public utilities of every kind and nature owned or operated by the city, and not in this charter assigned to another department. Such supervision shall include supervision of construction, maintenance, repair and operation.

Department of Streets.

(5) The department of streets shall have supervision over all the streets of the city, except where the same may constitute a part of any wharf, dock, slip or quay belonging to or under the control of the city, shall have the supervision of all work done on, in or under the streets, except as aforesaid, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles and other installation placed on or above the streets. Any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the city, shall be under the supervision of and be conducted by said department.

The Chief Officials—General.

SEC. 30. (1) The chief officials of the city shall be a city attorney; a treasurer, who shall be ex officio tax collector; a city clerk; a city engineer; a chief of police; a chief of the fire department; a street superintendent; a health officer and a superintendent of the electrical department. The council shall by ordinance prescribe the duties of all the chief officials; and no enumeration in this charter of the duties of any chief official shall be construed as limiting the power of the council to impose on him other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of four members, may consolidate and place in charge of one such chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three (3) members to remove from office any of the chief officials of the city.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council.

The City Attorney.

(2) The city attorney shall be appointed by the council. He must be at the time of his appointment a citizen of the United States and qualified to practice in all the courts of this state, and he must have been so qualified, and have been a resident of the city of Oakland, for five years next preceding his appointment.

He shall prosecute and defend for the city all actions at law or in equity and all special proceedings for or against the city, and shall represent the city in all other actions or proceedings in which the rights and interests of the city are concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the city he shall commence the same when directed to do so by the mayor or by the council. He shall give legal advice in writing to all officers and boards named in this charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the city. The form and legality of all contracts made by the city or by any officer or board thereof shall be submitted to and passed on by the city attorney before execution. He shall not settle or dismiss any litigation for or against the city under his control unless upon his written recommendation he is ordered so to do by the council.

He shall keep on file in his office all written opinions given by him to any officer, board or department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested.

He shall detect all books and records, printed documents, maps, plans, books, and property of every description in his possession belonging to his office, or to the city, to his successor, or other public body, and shall give him duplicate receipts thereof, one of which he shall file with the auditor.

The Treasurer and ex-officio Tax Collector.

(6) The treasurer shall be assigned to the department of finance and revenue, and shall be appointed by the commission of general and finance.

The treasurer shall be ex-officio tax collector. At the expiration of each year, pending the action in this chapter and by the council, he shall, at the close of the year, pay to the city the amount of all taxes and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this chapter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be prescribed by ordinance of the council of this chapter.

The treasurer shall not receive any money before the payment of the same is acknowledged by the certificate of the auditor, stating the amount of the same, to what fund applicable and to whom to be paid.

For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the auditor before delivery to the party making payment, and the other shall be delivered to the treasurer by the auditor.

The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed and audited in the manner provided in this chapter.

The treasurer shall make monthly statements to the council of his receipts and expenditures of the preceding month.

At no time shall the weekly amount in the vaults of the treasury exceed the sum of twenty thousand (\$20,000) dollars; provided, that applications are made by the treasurer from a bank or banks in the city or outside the city for deposit of city money in accordance with the laws of the state.

The treasurer shall perform such other duties as may be demanded by ordinance of the council of this chapter.

The City Clerk.

(7) The city clerk shall be appointed by the council. He shall be clerk of the council. He shall be custodian of all deeds and of all other evidences in the title to property of the city. He shall deliver all such deeds and other evidences of title to his successor, or other who shall give him duplicate receipts thereof, one of which he shall file with the auditor.

The City Engineer.

(8) The city engineer shall be assigned to the department of public works and shall be appointed by the commission of public works. He shall be a civil engineer of not less than five years' practical experience. He shall be such person who shall possess the same power in the city in making surveys, plans and estimates as is given by ordinance to engineers or to county surveyors, and his official acts and all plans, surveys and certificates made by him shall have the same validity and be of the same force and effect as are given by law to those of city engineers or county surveyors. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with the books, papers and shall turn over the same to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

Police and Fire Chiefs and Health Officer.

(9) The chief of police, the chief of the fire department and the health officer shall be assigned to the department of public health and safety, and shall be appointed by the commissioner of public health and safety.

Superintendent of Streets.

(10) The superintendent of streets and the assistant superintendent of streets shall be assigned to the department of streets and shall be appointed by the commission of streets.

During the absence or disability of the superintendent of streets the assistant superintendent of streets shall act as superintendent of streets and perform and shall have his powers and duties.

The superintendent of streets shall be a civil engineer of at least five years' practical experience as such.

Superintendent of the Port and Department.

(11) The superintendent of the port and department shall be assigned to the department of public health and safety and shall be appointed by the commissioner of public health and safety.

Subordinate Officers and Employees.

SEC. 31. The council shall have the power by ordinance to create, consolidate and discontinue officers, deputyships, assistantships and employments other than those prescribed in this charter. The council shall also have the power, except as otherwise provided in this chapter, to prescribe the methods by which such officers, deputyships, assistantships and employments shall be filled, and the duties pertaining thereto, and also the method by which any such office, deputyship, assistantship or employment shall be declared vacant and the holder thereof removed therefrom.

Compensation of Officers and Employees.

SEC. 32. The compensation of all city officers, officials or employees not fixed in this charter shall be fixed by the council, except where this charter provides that such officials or employees shall receive no compensation or that their compensation shall be fixed by a person, board or body other than the council. No officer, official or employee of the city shall receive from any source any fee, perquisite, emolument, reward or compensation other than the compensation provided for in this charter or by the council. All fees collected by any officer, official or employee of the city shall be paid by him into the city treasury.

Pension for Supcrannuated Employees.

SEC. 33. Whenever any employee of the city of Oakland, except a member of the police or fire department, shall have been continuously employed in the service of the city for a period of twenty-five years and shall have attained the age of sixty-five years the council shall have the power upon the unanimous recommendation of the civil service board to retire said person and shall have the power to order to be paid to said person so retired a pension during the remainder of his life. Said pension shall not exceed a sum equal to one-half of the salary paid to said employee at the time of his retirement.

Reports of Departments.

SEC. 34. The mayor and commissioners comprising the council, the auditor, the treasurer, the chief of police, the chief of the fire department, the board of library directors, the board of park directors, the board of play ground directors, the health officer and all other officers, officials and boards shall each of them render annually, or oftener if required by the council, a full and complete written report of the business transacted by each of them and their subordinates subsequent to the rendering of their last previous report, together with comments on and recommendations for the betterment of the work of their offices. Such reports shall be filed with the city clerk. The council shall have the power to order such of said reports printed in pamphlet form as it may deem advisable to be so printed.

Commissioners to Hold No Other Office.

SEC. 35. No commissioner shall hold any other municipal office or any other office or employment, the compensation for which is paid out of any city moneys, or be appointed or elected to any office created by the council or the compensation of which is increased by the council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

Officers Not to be Interested in Contracts or Franchises.

SEC. 36. No officer or employee shall as agent, attorney or otherwise, be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by municipal authority, nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee, except such men or extra men employed in the fire department of the city shall be in the employ of any public service corporation in the city.

Any violation of the provisions of this section shall be cause for removal from office.

The council shall enforce the provisions of this section by appropriate legislation.

Payment of Debts.

SEC. 37. Failure of any employee to promptly pay any legal indebtedness for the necessities of life contracted by him while in the service of the city shall be ground for his removal from such employment.

No Officer to Direct Subordinate to Do Other Than Official Service.

SEC. 37. No officer or employee of the city of Oakland shall detail or cause any officer, employee or subordinate, either in the city of Oakland, or any part thereof, to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months.

City Officers and Employees Not to Hold Other Public Offices of Profit.

SEC. 38. No person holding any office, position or employment under the city government shall be eligible to or hold any other elective or appointive office under the

government of the city of Oakland. And no person holding such office, position or employment under the city government receiving with his salary or compensation more than five (\$500) dollars per month, paid out of any source of the city, shall hold any such position under the city government while holding any office, position or employment under the government of the state or government of the United States or of any other nation, department or territory. The Senate shall have the right of resolution or resolutions to amend or repeal this article and the provisions hereof.

ARTICLE VIII.

THE COUNCIL.

The Council, the Governing Body.

SEC. 39. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city and, subject to the power of initiative of this charter, shall be vested with all powers of legislation in municipal affairs relative to a complete system of local government consistent with the constitution of the state.

President and Vice President.

SEC. 40. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one or its members to be vice-president.

Meetings of the Council.

SEC. 41. At seven o'clock A. M. on the first day of July, following the election of the general municipal election, the council shall meet, at which time the newly elected commissioners shall assume the duties of their office. The council shall meet in regular session every day (Saturdays, Sundays and legal holidays excepted), at 11 o'clock A. M.

Special meetings of the council may be held at any time on the written request of any two commissioners filed with the city clerk, provided that the said written request for said special meeting shall set forth the subject of the special meeting. The said clerk shall give reasonable notice to each commissioner of the time of said special meeting and the object thereof, and at said special meeting no other business shall be transacted than that specified in the said written request.

Executive sessions of the council may be held at any time, provided that no executive session shall be held with any other person present than authorized as its pointed officer of the city.

Office Hours.

SEC. 42. Each commissioner shall have an office at the city hall set apart and furnished by the city, and he shall be in his said office, where he can be approached by citizens or persons having business to transact with the city, between the hours of 10 o'clock A. M. and 11 o'clock A. M., except when prevented by sickness or other good cause or except when absent by permission of the council, daily (Saturdays, Sundays and legal holidays excepted).

Meetings to Be Public.

SEC. 43. All sessions of the council, whether regular or special, at which any official action is taken shall be open to the public.

Quorum.

SEC. 44. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of Proceedings.

SEC. 45. The council shall establish rules for its proceedings.

Ordinances and Resolutions.

SEC. 46. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The council shall pass ordinances and resolutions only by taking the ayes and noes, which shall be entered in its minute book. Upon the demand of any member the ayes and noes shall be taken and recorded on any motion. All votes of the council on appointments or declaring positions vacant shall be by ayes and noes, and recorded.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Subject of Title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations, and shall contain only one such appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause of Ordinances.

(5) The enacting clause of all ordinances passed by the council shall be substantially in these words: "Be it ordained by the council of the city of Oakland as follows."

Requirements of an Ordinance.

(6) To constitute an ordinance a bill must before final action thereon, be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must, in like manner be republished as amended for not less than one day.

No ordinance shall be finally passed by the council until it has been read in open council three times and printed as provided in the charter. Between the second and third readings at least one week shall elapse. All ordinances shall be printed as provided in this charter after having been read in the council the second time. Whenever and as often as any ordinance under consideration by the council shall be amended the said ordinance, as amended, shall be considered to have been read only once and shall be read a second time, passed to print and read a third time before being finally passed.

Ordinances Required in Certain Cases.

(7) No action providing for any specific improvements; for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken, and no franchise shall be granted except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

All appropriations of money by the council shall be by ordinance, *provided* that appropriations for sums less than five hundred (\$500) dollars may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; *provided further*, that four affirmative votes shall be required to pass such resolution; *provided further*, that only one such resolution shall be passed appropriating money, directly or indirectly, for any one purpose or object, or for any two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) The city clerk shall, with the mayor, sign and attest all ordinances and resolutions.

Revision and Amendment.

(10) No ordinance shall be amended or changed except by ordinance. And the section or sections which it is proposed to alter shall be printed in full together with the section or sections which it is proposed to adopt.

Ordinances Granting Franchises.

(11) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before two years prior to its expiration.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances," which book shall be indexed as to each ordinance. Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 47. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council at which such commissioner was present, or such action is taken at a regular meeting of the council.

Publication of Charter and Ordinances.

SEC. 48. The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the

council may deem expedient, to be published in final form. The council shall, as soon as convenient, cause the ordinances of the city to be codified in two volumes, civil and criminal.

ARTICLE IX

POWERS OF THE CITY AND OF THE COUNCIL

General Powers of the City

SEC. 49. Without denial or diminution of all other powers that shall be at that may hereafter be given to the city under or by the constitution or the laws of the state, the city of Oakland shall have power:

Seal.

- (1) To make, have and use a corporate seal and to alter the same at pleasure.

To Sue and Be Sued.

- (2) To sue and be sued in all actions and proceedings whatever.

To Receive Gifts.

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes, and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation.

To Acquire Property.

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incumber such real and personal or mixed property or interests therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city:

Public Buildings, Works and Institutions.

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, institutions, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, crematories, crematoriums, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance as required for use in the building, maintenance or repair of streets; plants, apparatus and equipment for the construction, maintenance and repair of wharves, docks, slips and piers and for the maintenance of proper depths of water on and along the water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt Railway.

(6) To construct or to acquire by purchase and to maintain and operate lines of railroad along the water front or elsewhere within the city, with the necessary spurs and connections for the purpose of connecting warehouses, manufacturing or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufacturing or enterprises, and railroads with docks and ships and to connect docks and ships with each other.

Waterfront and Wharves.

(7) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage and tolls and provide for the collection thereof, to protect, regulate and control, or restrain the landing, anchorage and moorage of steamships, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and maintaining the mooring and maintenance of machinery and other apparatus for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, Light, Heat and Power.

(8) To provide for supplying the city, and its inhabitants with water, gas, electricity or either or any thereof, or with any other means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire, or other means.

Tunnels and Conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property and to lease or rent the use of such tunnels and conduits; *provided, however*, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, Telegraph and Transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Sale of Products of Public Utilities.

(11) To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Lease of Public Utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city, *provided* that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years.

Joint Ownership of Water Supply.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this state.

Borrowing Money, Bonds, General.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Borrowing Money, Bonds, Special.

(15) To borrow money for any or all of the following specified purposes:
To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, or alter or change the channels of water ways and courses and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in subdivision six (6) hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct Legislation by People.

SEC. 50. The electors of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the Council.

SEC. 51. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the constitution or the laws of the state; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof.

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power:

Local Laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance, but no penalty shall exceed five hundred (\$500) dollars or six months' imprisonment, or both.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the persons or persons creating, causing, committing or maintaining such nuisances or otherwise.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (\$250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

Police and Fire Department.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to his provisions of this charter.

Police and Fire Alarm Systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitro-glycerine, black powder, and other explosive materials and substances.

Inflammable Materials.

(8) To regulate the storage of hay, straw, gasoline, benzene, oil and other inflammable and combustible materials.

Engines and Boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort.

Fire Limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures, to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for wiring buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection Against Fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of businesses which may cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Provisions for Safety in Theaters, Halls, Etc.

(14) To regulate the size and construction of the entrances to and exits from all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstruc-

tions in the hallways, aisles, or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for Safety in Streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(16) To regulate or prohibit the exhibition, posting, or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade Trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and Other Connections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General Regulations of Streets.

(20) Except as otherwise provided in this charter, or in the constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

Billboards and Signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to Animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of Health

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, to make provision to prevent the introduction of contagious and violent infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Nuisances and Offensive Occupations, Dissolute and Noisy

(25) To regulate or prohibit the operation of all manufacturing, engineering, businesses or trades which may be at such a season as to affect the public health, safety or comfort or good order of the city or district; the same places or which may be offensive or dangerous to the inhabitants residing in the vicinity; and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them, or upon premises for the regulation and suppression of disagreeable, offensive or injurious noises or odors.

Inspection of Food Products

(26) To provide for and regulate the inspection of health, quality, sale, price, bread, butter, cheese, lard, eggs, vegetables, fruit, meats, and other food products, manufactured, produced or raised for sale in the city, and to provide for the taking and summarily destroying of any such products as are found to be adulterated or unwholesome, and to regulate and prevent bringing from the city or buying or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies

(27) To provide for and regulate the inspection of all dairies that sell for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses

(28) To regulate lodging, tenement and apartment houses and to suppress the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections

(29) To regulate or prohibit the construction, repair or use of sewers, streets, gutters, wells, cesspools, and vaults, and to compel the draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage

(30) To provide for the collection and disposal of garbage, refuse, animal and vegetable refuse, dead animals, animal excrement, rubbish and waste matter.

Licensing Businesses

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that no such license shall be granted for the sale or giving away of spirituous, malt, wines or other liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September 1, 1910, and which continues in force until this charter goes into effect.

Regulation of Public Vehicles

(32) To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Weights and Measures

(33) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Public Shows, Gambling

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Whenever, in the judgment of the council, the most had imposed by law of the foregoing improvements should be paid by special assessments by private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity therewith. That no commissioner, secretary or attorney shall be appointed who may or the State imposed on commissioners, secretaries and attorneys under any general law shall be performed under the direction of the council of affairs, and the city council of the city, neither of which shall exercise administrative functions, and no person employed in this relation shall be considered as exercising any public function.

To make provision for the deposit with the treasurer of any money that corporation desiring to open any street or street, after the same has been opened, any place, for the purpose of having or removing any gas, steam, water, sewer or other structure thereon, or for any other purpose, to have the cost of cutting and restoring such opening and restoring the structure, gas, steam, water, sewer or other structure, place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the owner, but of no person making such opening, such expense to be paid out of such funds.

Light and Water

(48) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for domestic and other purposes.

Boulevards

(49) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, tramway, suburban or other railway, and to regulate and prevent any building thereon, and when any such street shall have been set aside as a boulevard, no franchise for any railroad, tramway, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been first passed by one of the powers in power in this charter.

Closed or Abandoned Streets

(50) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed or by contract or otherwise to street or otherwise to private, to the owners of the lands adjacent thereto, or such other person as the council may deem that equity requires. But the council shall have no power to award to such person or otherwise without adequate compensation with some or portion of a street which shall have been acquired by the city by deed from any person or persons, whether And this section shall not be construed as authorizing or authorizing the council to close any street or portion thereof or to acquire by any amount of money or to acquire thereto and when the public convenience does not so require.

Regulation of Public Utility Rates

(51) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation for the city for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to Be Uniform

(52) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the consumers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered, and the rates for such water, heat, light, power or telephone service shall be uniform for each of such consumers on such basis, and it shall be lawful for the council in regulating such rates to establish in any class, a lower schedule of charges for bulk consumption for large consumers than for small consumers; but such rates, when established, shall be strictly adhered to, and such provisions to large consumers shall not apply to such bulk consumption cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of Street Railroads

(53) To regulate street railroads, their tracks and cars; to control the number of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to Keep Streets in Repair

(54) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or macadamize or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between

the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Spur Tracks.

(55) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(56) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and Location of Pipes.

(57) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

(58) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, Junk Dealers, Etc.

(59) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public Charities.

(60) To grant to the Associated Charities of the city of Oakland a sum not to exceed three hundred dollars (\$300.00) per month to be expended in accordance with the articles of incorporation of that association.

Public Buildings.

(61) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Municipal Ownership.

(62) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional Powers.

(63) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

BOARD OF LIBRARY DIRECTORS.

Free Library, Etc.

SEC. 52. There shall be maintained in the city of Oakland free public libraries and reading rooms to be known as "The Oakland Free Library;" and there shall also be maintained in the city of Oakland a public museum, or museums, and public art gallery or art galleries.

Directors—Appointment, Etc.

SEC. 53. Such public libraries, reading rooms, museums and art galleries shall be under the exclusive control and management of a board of library directors. The directors shall be five in number and shall serve without compensation. The term of director shall be filled by appointment by the mayor and confirmation thereof by the council. An affirmative vote of three members shall be necessary for confirmation. Of those first appointed one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms the mayor's appointment of another person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of director shall be filled by appointment in the same manner for the unexpired term. In case of resignation, inability or willful neglect in the performance of the duties of the office of any director, such director may be removed from office by the council by the affirmative vote of four members; but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to demand witnesses to compel the attendance of witnesses who shall be required to give testimony. If such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal of such director be transmitted together with the findings of fact as made by the council shall be filed by the council with the city clerk and shall be and become a matter of public record.

Directors—Organization, Powers and Duties.

SEC. 54. The directors shall organize by electing one of their number president; the person elected president shall hold his office for one year and upon his successor is elected. The librarian shall act as secretary to the board. The board shall hold regular meetings at least once a month. The board shall establish general regulations for its government and for the performance of its duties. The board shall establish rules and regulations for the conduct of its various departments and may require adequate bonds from any and all of those employed by the board for the faithful performance of their duties, in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk.

The secretary shall keep a full account of all property, income, receipts and expenditures, and a record of all proceedings of the board. The votes of all of its members shall be recorded in the minutes with the ayes and noes.

The board shall have the exclusive management and disposal of all funds legally appropriated or received from any source for the support or benefit of said Oakland free library, public museums and art galleries.

The board of library directors may, for and in behalf of the city of Oakland, receive donations, legacies, or bequests for the establishment, extension, improvement, maintenance or benefit of said libraries, reading rooms, museums and art galleries, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the treasury of the city of Oakland to the credit of the library fund. The same may be withdrawn therefrom and paid out and in the same manner as is provided for the payment of moneys legally appropriated for the support and benefit of said the Oakland free library, public museums, and art galleries. If the money derived from such donations, legacies, or bequests shall, at any time, exceed in amount the sum necessary for immediate expenditure, for said library, reading rooms, museums or art galleries, all, or part of the same may be invested by the board in interest bearing bonds of the United States, or of the State of California, or of any municipality, or school district thereof.

The council must annually appropriate to the board of library directors such amount as shall be sufficient to maintain and preserve the said the Oakland free library, reading rooms, museums and art galleries in the city of Oakland, and shall appropriate such further sums for their extension, improvement and benefit as, in the judgment of the council, may be necessary or appropriate; and the sums so appropriated shall be credited to the library fund, and the board of library directors shall have the exclusive management and disbursement of the same.

The board of library directors shall have power:—

(a) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said the Oakland free library, museums and art galleries, and all property belonging thereto, or under its control, or that may be loaned thereto.

(b) To prescribe the duties and powers of the librarian and other officers and employees of the libraries, museums and art galleries, and reading rooms, to determine the number and qualifications as to residence, or otherwise, of all of such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

(c) To purchase necessary or convenient books, journals, publications, art objects, scientific and other objects suitable for museums, and other personal property.

(d) To require the secretary of state, or other state officials to furnish said library with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

(e) To borrow books from, lend books to, and exchange the same, with other libraries and to allow non-residents to borrow books upon such conditions as it may prescribe.

(f) To establish such branch libraries, reading rooms, museums and art galleries as the growth of the city may from time to time require.

(g) To contract with the legislative bodies of neighboring municipalities, or the board of supervisors of Alameda county, for lending the books of the library to residents of said county, or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipality.

(h) To do and perform any and all other acts and things necessary and proper to carry out the provisions of this article.

(i) The board of library directors shall also have such powers and duties, not inconsistent with the provisions of this charter, as are now vested in or imposed upon boards of library trustees by the act of the legislature of the State of California, entitled "An act to amend an act approved March 23rd, 1901, and entitled 'An act to provide for the establishment and maintenance of public libraries within municipalities,'" approved April 12th, 1909, or by such other acts of said legislature as may be hereafter enacted, amendatory thereof, supplemental thereto, or as may hereafter be substituted therefor.

Miscellaneous.

SEC. 55. The Oakland free library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library directors; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

The title to all property acquired for the purposes of the Oakland free library, public museum or art galleries, when not inconsistent with the terms of its acquisition, shall vest in the city of Oakland.

The board of library directors shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the state librarian at Sacramento.

The council shall have power to appropriate by ordinance to the board of library directors and to authorize the use by them either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon, to be used for the library and reading rooms or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use.

ARTICLE XI.

BOARD OF PLAYGROUND DIRECTORS.

Control.

SEC. 56. All children's playgrounds now owned or controlled by the city, and all children's playgrounds that may hereafter be established or acquired by the city, shall be under the exclusive control and management of the board of playground directors.

Directors Appointment, Removal.

SEC. 57. The directors shall be five in number, not more than three of whom shall be of the same sex, and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of playground director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

General Powers.

SEC. 58. The board of playground directors shall have the complete and exclusive control, management and direction of the aforesaid playgrounds; and the exclusive right to erect and superintend the construction of buildings thereon, pertaining to playground purposes. Said directors may employ and appoint superintendents, laborers, instructors and other officers and assistants, prescribe and fix their duties, authority, compensation and qualifications as to residence or otherwise; they shall have the exclusive management and disposal of all funds legally apportioned or

received from any source for the support of said playgrounds. The board shall establish rules and regulations for the conduct of its officers and employees, and shall require adequate bonds from all or any of them, except trustees, for the faithful performance of their duties in such sums as may be fixed by the board, and may also approve by the mayor and auditor and filed by the clerk of the city clerk. The directors shall organize by electing one of their number president and may also elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board shall hold regular meetings at least once in every two weeks, and may also make and amend rules and regulations for its government and for the performance of its duties.

Rules.

SEC. 59. The directors shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinance of the City of Oakland or the laws of the State of California or with this chapter.

Receipts—Gifts.

SEC. 60. The board of playgrounds directors may, for and on behalf of the City of Oakland receive donations, legacies or bequests for the improvement or maintenance of said playgrounds or the improvement of any playgrounds and all moneys that may be derived from such donations, legacies or bequests, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the treasury of the city of Oakland, to the credit of the playgrounds fund; the same may be withdrawn therefrom and paid out only in the same amount as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds. If the moneys derived from such donations, legacies or bequests shall at any time exceed in amount the sum necessary for the immediate requirements for the acquisition, maintenance or improvement of playgrounds the board may invest all or a part of the same in interest-bearing bonds of the United States or of the State of California or of any municipality or school district having authority.

Council Set Aside Lands.

SEC. 61. The city council shall have the power by ordinance to set aside either absolutely or for a definite period of time any lands belonging to the city for use as children's playgrounds and the same shall when and so long as used by said board for such use be under the exclusive control and management of the playground directors.

Appropriations—Accounts—Records.

SEC. 62. The council shall for the purchase, development, improvement and maintenance of children's playgrounds annually appropriate to the board or playground directors such amount as may in the judgment of the council be necessary or proper, and the fund so appropriated shall be credited to the playground fund, and the board of playground directors shall have the exclusive management and disposition of the same.

The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the board. The votes of all its members shall be recorded in the minutes with the ayes and nays.

ARTICLE XII.

BOARD OF PARK DIRECTORS.

Control.

SEC. 63. All land and water, parks, squares and public places in the city now owned or controlled by the city of Oakland or that may hereafter be so controlled or acquired by said city, excepting properties now or hereafter reserved or set apart for children's playground purposes, and all grounds surrounding public buildings of said city, unless otherwise provided in this article, shall be under the exclusive control and management of a board of park directors.

Directors—Appointment—Removal.

SEC. 64. The directors shall be three in number and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for four years, and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of park director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office, by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

General Powers.

SEC. 65. The board of park directors shall have the complete and exclusive control, management and direction of the said parks, squares and grounds and the exclusive right to erect and to superintend the erection of the buildings and structures thereon pertaining to park purposes: *provided, however,* that the council may erect or cause to be erected any municipal building or buildings thereon. Said directors may employ and appoint superintendents, laborers, surveyors, gardeners, engineers and other officers and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said parks, squares, and grounds. The board shall establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk. The directors shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board must hold regular meetings at least once in every two weeks. The board shall establish rules and regulations for its government and for the performance of its duties.

Leases—Restrictions.

SEC. 66. Except as provided in this section nothing in this article shall be construed to authorize the board to lease any part of any of said parks, squares or grounds to any person, firm or corporation or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows:

First—The board may lease for the use of the public for a period not greater than one year such buildings as it may construct or acquire, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the council, given by ordinance, may lease lands under its jurisdiction for the purpose of having the lessee erect thereon buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made in the same manner and under the same restrictions as are provided for leases by the council in subdivision forty-one (41) of section fifty-one (51) of this charter. And in every lease the board shall reserve the right to enter at all times upon the premises so leased and shall make the condition that the building so leased shall be used for park pleasure purposes only. No building shall be constructed by the board or by any lessee except it be within the objects and purposes for which said parks, squares and grounds were dedicated to or are held by the public: *provided, however,* that the board, with the consent of the council given by ordinance, may permit the use of a limited portion of any of the aforesaid parks, squares or grounds for exposition or convention purposes, but no such permission shall ever be granted except such exposition or convention be of national, state or municipal importance.

Gifts.

SEC. 67. The board of park directors may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement or maintenance of said parks, squares and grounds, or for the acquirement of new parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom, and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, squares and grounds the board may invest all or a part of the same in interest bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Works of Art.

SEC. 68. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board; nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Appropriations—Accounts—Records.

SEC. 69. The council shall, for the purchase, development, equipment and maintenance of parks, squares and public pleasure grounds, annually appropriate to the board of park directors such amount as may in the judgment of the council be necessary or proper, and the funds so appropriated shall be credited to the park fund, and

the board of park directors shall have the exclusive management and disposition of the same.

The secretary shall keep a full account of all property, money, receipts and disbursements and a record of all proceedings of the board. The names of all its members shall be recorded in the minutes with the year and term.

ARTICLE XIII

CIVIL SERVICE

Board—Appointment of

SEC. 70. There is hereby established a civil service board, consisting of three members.

The member first elected after the adoption of this chapter shall hold office three years after taking office; upon expiration of his term he shall be eligible for re-election. The second member shall hold office until July first, 1911; another member to serve until July first, 1912, and a third member to serve until July first, 1913. At the board of June, 1911, and every second year thereafter, one member shall be elected to the vacant position for a term of six years, to take the place of the member whose term shall have expired.

Each member of the civil service board shall receive a salary of \$100 dollars per month, and a meeting of the civil service board shall be held weekly, provided that he may and receive more than forty (40) dollars per day when needed.

If a vacancy occurs in the board, it shall be filled by appointment of the council, subject to confirmation by the council, for the unexpired term.

Removal—Equipment—Clerk

SEC. 71. In cases of misconduct, inability or willful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the council by an affirmative vote of two-thirds of its members. Any member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to secure the attendance of witnesses who shall be required to give testimony in person upon the oath of the civil service board so requests. In such cases the board shall be sworn and a full and complete statement of the charges against the member, if such member be removed, together with the findings as to the same, shall be made by the council with the city clerk, and shall be read before a meeting of the council. The council shall provide suitable accommodations and transportation for the board to properly attend to its business. Said board shall appoint a clerk who shall keep a record of all its meetings and of the work of said board, and shall perform such other service as the board may require. The board shall fix the compensation of said clerk.

Classified Civil Service.

SEC. 72. The board shall classify all places of employment now existing or hereafter created in or under the department of public affairs, in or under the department of revenue and finance, in or under the department of public health and labor, in or under the department of public works, and in or under the department of justice, and in the office of the auditor, excepting the places and offices specified in section eighty (80) hereof. The places so classified by the civil service board shall constitute the classified civil service of the city and no appointment to any such place shall be made except according to the rules hereinafter established.

The board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

The council, whenever requested by the board, may by ordinance confer upon the board such rights, duties and privileges other than those mentioned in this chapter, as may be necessary adequately to enforce and carry out the principles of civil service.

Rules.

SEC. 73. The board shall make rules to carry out the purposes of this article and for examination, appointments and promotions. All rules and all changes thereon shall be forthwith printed by the board for distribution.

Examinations.

SEC. 74. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. The board shall hold such examinations on the first Monday in April and the first Monday in October of each year, and oftener if it deem necessary. Such examinations shall be for the purpose of determining the qualifications of applicants for positions, and shall be impartial and shall fairly test the fitness of the persons examined to discharge the duties of the positions to which they seek to be appointed.

Notice to Board of Appointments, etc.

SEC. 75. Immediate notice in writing shall be given by the appointing power to the board of all appointments, permanent or temporary, made in such classified service, and of all transfers, promotions, resignations, suspensions, fines, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be

kept by the board. When any place of employment is created or abolished, or the compensation attached thereto altered, the power making such change shall immediately report the fact in writing to the board.

Certification of Persons.

SEC. 76. Whenever a position in the classified civil service is to be filled, the board shall, as soon as possible, certify to the appointing power three times the number of persons necessary to fill such position: *provided*, that said board shall always certify the persons having the highest standing on the eligible list for the position to be filled; *and provided, further*, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom.

Promotions.

SEC. 77. The board shall provide for promotion in the classified service on the basis of ascertained merit, seniority in service and standing upon competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from among such members of the next lower rank established by the board as submit themselves for such examination for promotion. The board shall certify to the appointing power the names of not more than three applicants having the highest rating for each promotion.

Persons Certified Must Be Appointed.

SEC. 78. In all cases the appointing power shall notify the board of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the board therefor. Such appointment shall be on probation of a character and for a period to be fixed by the rules of the board but not to exceed one year.

Certification of Auditor.

SEC. 79. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, and all fines and suspensions made under the provisions of this article.

To Whom Apply.

SEC. 80. The provisions of this article shall apply to all appointed officers and employees of the city in or under any of the departments enumerated in section seventy-two (72) of this charter, except the following:

The chief officials of the city enumerated in section thirty (30) of this charter; the building inspector; the city wharfinger, the license inspector; the bacteriologist; the city chemist; the sanitary inspector; the market and food inspector; the plumbing inspector; the mayor's secretary; the assistant city attorneys, and such other officers and employees of the city not included either in the police department or in the fire department, as may be exempted from the operation of the civil service rules, upon the recommendation of the council, approved by the unanimous vote of the civil service board. *Provided*, that persons employed by the city and persons employed in the city engineers's office on September 1, 1910, may retain their employment under the city, subject to classification and reclassification by the civil service board without further examination, unless removed for cause or unless it shall be determined by the civil service board that their employment by the city is unnecessary.

Removal—Suspension—Fine.

SEC. 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the commissioner in whose department they are employed, or, in case of persons employed in the office of the auditor, by the auditor, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party to the civil service board as herein provided.

Any chief official, any subordinate officer, and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the commissioner of his department or to the auditor, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The commissioner (or auditor) shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he finds the facts to warrant.

Appeals.

SEC. 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the making by a commissioner (or the auditor) of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be,

appeal therefrom to the civil service board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the board shall be confined to the official from whose order the appeal is taken, and shall forthwith be entered and followed by him.

Report.

SEC. 83. Said civil service board shall make annual report to the council and it may require a special report from said board at any time.

Temporary Appointments.

SEC. 84. Appointments to fill temporary positions need be made only with the unanimous consent of the board, and temporary appointments so made shall lapse and become void at the end of a period of time not to exceed eight months, and persons whose appointment shall so lapse shall not again be appointed unless such appointment be made through civil service examinations as herein provided.

Prohibition of Improper Political Activity, etc.

SEC. 85. No civil service employee and no laborer in the employ of the city shall take part in the conduct of any non-official meeting or any non-official campaign, nor shall he hold office in or be a member of any political body or organization.

No carriage, automobile or other vehicle belonging to or registered in the city shall be used except in the official business of the city.

No elected official of the city shall accept the employment of or participate in the employment of any person whatsoever by any public service corporation having any business under or doing any business with the city of Oakland.

Penalty.

SEC. 86. Any person violating any of the provisions of this section or any rule hereunder shall be deemed guilty of a misdemeanor, and for each offense may upon conviction thereof be suspended, reduced in grade or dismissed from the service.

ARTICLE XIV

POLICE DEPARTMENT

Organization.

SEC. 87. The police department shall consist of a chief of police, captain of inspectors who shall act as chief of police in the absence of the chief of police, and such captains of police, lieutenants, inspectors, assistant inspectors, sergeants, corporals and bailiffs as in the judgment of the board the needs of the service may require. *Provided, however,* that it shall not be incumbent upon the board to create or fill all of the above positions.

Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every eight hundred inhabitants of the city.

Qualifications.

SEC. 88. No person shall become a member of the police department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A person for such time as any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every applicant for the department shall be not less than twenty-five nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Appointments—Duties of Chief of Police.

SEC. 89. The chief of police, captain of inspectors, captains of police, sergeants, inspectors, sergeants, corporals, bailiffs, patrolmen and all other officers and members shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter, and the appointment of the chief of police shall be subject to confirmation by the council. The members of the police department appointed prior to September 1, 1910, who are in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided. The chief of police shall be the chief executive officer of the department and shall be held responsible for the execution of all laws and ordinances, and of the rules and regulations of the department, and shall exercise such other powers connected with his office as may be provided for by ordinance or resolution consistent with this charter. He shall see that the orders and processes issued by the police court are promptly executed. For failure or refusal to perform his duties, the chief of police shall be removed from the service.

Change of Titles of Present Officers.

SEC. 90. The present superintendent of police shall be designated chief of police, the captain of detectives shall be designated captain of inspectors, inspectors of police shall be designated captains of police, detectives shall be designated inspectors, station keepers and court officers shall be designated corporals.

Salaries.

SEC. 91. The officers and members of the police department shall receive annual compensations, comprising their salaries and an allowance of two (2) dollars per month for the police relief and pension fund herein provided for, as follows:

Chief of police.....	\$3,300.00
Captain of inspectors ..	2,400.00
Captains of police.....	2,100.00
Lieutenants	1,800.00
Inspectors	1,740.00
Assistant inspectors.....	1,620.00
Sergeants	1,620.00
Corporals	1,500.00
Bailiffs	1,500.00
Patrolmen, first year of service.....	1,224.00
Patrolmen, second year of service.....	1,344.00
Patrolmen, third year of service.....	1,404.00

Said compensations shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the police department and no rank or grade other than those herein specified shall be created in said department, unless the rank or grade created carry a lower salary than the lowest herein specified.

Leave of Absence.

SEC. 92. Each member of the police department shall be entitled to fifteen days' vacation annually with full pay. Such vacations shall be had at such times as the chief of police may direct. Each member of the police department shall have two days off duty in each month with full pay, at such times as the chief of police may direct. A member becoming incapacitated for duty by reason of sickness, shall be entitled to thirty days' sick leave without loss of pay. If such sickness continue, he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of police may direct.

Police Relief and Pension Fund.

SEC. 93. In order to continue in force, and make effectual pensions already existing in favor of the police force, a fund is hereby created to be known and designated as the police relief and pension fund. The Mayor, the commissioner of revenue and finance and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be the custodian of said fund.

SEC. 94. The said board of trustees may retire and relieve from service any aged, infirm or disabled member of the department who has arrived at the age of sixty years, and who, upon examination by two regularly licensed and practicing physicians appointed by the board of trustees for that purpose may be ascertained to be by reason of age, infirmity, or other disability unfit for the performance of his duty. And said board of trustees shall at the request of any member of the department who has arrived at the age of sixty years retire and relieve said member making such application. Such retired member shall receive from the police relief and pension fund a monthly pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

SEC. 95. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, the captain of the division to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one half of the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

SEC. 96. (1) The board of trustees shall, out of the police relief and pension fund, provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty, as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children, under the age of sixteen years, or should the decedent leave a widow and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child, or children collectively, shall receive a pension equal to one half of the salary attached to the

position held by their father at the time of his death until the deceased child reaches the age of sixteen years; provided, that no child shall receive any such pension until attaining the age of sixteen years.

(10) Should the deceased leave no widow, no mother, no father, no child, no grandchild, no parent or parents, dependent upon him, then the dependent child or children shall collectively receive a pension equal to one half the salary received by the position held by the deceased at the time of his death, starting on the day the board of trustees may determine its payment.

(11) When a member of the department dies, the board shall pay him the sum specified in subdivision (1) of this article if he has no wife, then his mother, and if there be no widow, then his mother, and if there be no mother or widow, then his mother, if dependent upon him for support, shall be sufficient to the sum of one thousand (\$1,000) dollars.

(12) Any member of the police department convicted of a felony, from the police relief and pension fund, who shall become convicted of a felony, shall be paid an unpaid salary, an unpaid dividend, or the balance of his salary, or the balance of his salary, or leave by the board of trustees, such sum as may be determined.

(13) The board of trustees may, on application from the police relief and pension fund, who shall become convicted of a felony, shall be paid an unpaid salary, an unpaid dividend, or the balance of his salary, or the balance of his salary, or leave by the board of trustees, such sum as may be determined.

(14) The board of trustees shall hold quarterly meetings on the first of January, April, July and October of each year, and special meetings upon the call of the president, and shall issue warrants, signed by its president and secretary, to the police relief and pension fund, for the amount of money ordered paid to such persons from the police relief and pension fund. Each warrant shall state for what purpose the payment is made.

(15) The board of trustees shall keep a record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the board of trustees a printed list of all persons entitled to payments from the police relief and pension fund, stating the amount of such payment and for what purpose. Such list shall be certified and signed by the president and secretary of the board. The president shall thereupon enter a copy of such list upon a book to be kept by the board, which shall be known as the police relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the treasurer and ordered paid by him out of said fund.

(16) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(17) The board of trustees shall make an annual estimate of the revenue and expenditure of the department, and transmit the same to the commission of finance and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(18) The treasurer shall retain from the compensation of each member of the police department two (2) dollars per month, which shall forthwith be paid into the police relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XV.

FIRE DEPARTMENT.

Positions and Salaries.

SEC. 97. The fire department shall consist of a chief of the fire department, an assistant chief of the fire department, a second assistant chief of the fire department, as many battalion chiefs as the council may deem necessary, a superintendent of engines, and as many captains, lieutenants, engineers, drivers, tillermen, stokers, truckmen and hosemen as the council may deem necessary, and also such other employees as the council may provide for by ordinance. The officers and members of the fire department shall receive annual compensations, comprising their salaries and an allowance of two (2) dollars per month for the firemen's relief and pension fund herein provided for, as follows:

Chief of the fire department—\$3600.00 per annum.

Assistant chief of the fire department—\$2400.00 per annum.

Second assistant chief of the fire department—\$2100.00 per annum.

Battalion chiefs, each—\$1800.00 per annum.

Superintendent of engines—\$1800.00 per annum.

Captains, each—\$1620.00 per annum.

Lieutenants, each—\$1500.00 per annum.

Engineers, each—\$1560.00 per annum.

Drivers, tillermen, stokers, truckmen and hosemen, each for the first year of service—\$1224.00 per annum.

For the second year of service—\$1344.00 per annum.

And for the third year of service and thereafter—\$1404.00 per annum.

Said compensation shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the fire department, and no rank or grade other than those herein specified shall be created in said department unless the rank or grade created carry a lower salary than the lowest herein specified.

All members of the fire department, appointed prior to September 1st, 1910, and in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided.

The present fire marshal shall be designated the chief of the fire department.

Qualifications.

SEC. 98. No person shall become a member of the fire department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-one nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Appointments—Duties of the Chief of the Fire Department.

SEC. 99. The chief of the fire department, first assistant chief of the fire department, second assistant chief of the fire department, the battalion chiefs, captains, lieutenants, superintendent of engines, engineers, drivers, tillermen, stokers, truckmen and hosemen of the fire department, and all other officers and members, shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter.

The chief of the fire department shall be appointed subject to confirmation by the council.

The chief of the fire department shall be the chief executive of the fire department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the department and shall see that all laws, orders, rules and regulations in force, or that may be made by the council relating to the fire department, are enforced. He shall submit in writing, at least once each month to the commissioner of public health and safety, a statement of the number of men employed, their compensation, the condition of the department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability of the chief of the fire department an assistant chief of the fire department shall perform his duties.

Leave of Absence.

SEC. 100. Each member of the fire department shall be entitled to fifteen days vacation annually with full pay; such vacation shall be had at such times as the chief of the fire department may direct. Each member of the fire department shall be allowed a leave of absence of not less than twenty-four hours duration not less than once each week, with full pay. A member becoming incapacitated for duty by reason of sickness shall be entitled to thirty days sick leave without loss of pay. If such sickness continue he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of the fire department may direct.

Firemen's Relief and Pension Fund.

SEC. 101. A fund is hereby created to be known and designated as the firemen's relief and pension fund. The mayor, the commissioner of revenue and finance, and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be custodian of said fund.

SEC. 102. The said board of trustees may retire and relieve from service any aged, infirm, or disabled member of the department who has arrived at the age of fifty-five years, and who upon examination by two regularly licensed and practicing physicians, appointed by the trustees for that purpose may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall at the request of any member of the department who has arrived at the age of fifty-five years, retire and relieve such member making such application. Such retired member shall receive from the firemen's relief and pension fund a monthly pension equal to one-half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

SEC. 103. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the board of trustees a verified petition setting forth the facts concerning such disability, and the cause thereof, accompanied by a certificate signed by the chief of the fire department, the chief of the institution to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one-half the amount of salary attached to the rank which he held one year prior to the date of such retirement, so long as he lives during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in rank he occupied at the time of his retirement.

SEC. 104. (1) The board of trustees shall, out of the firemen's relief and pension fund, provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, or should the decedent leave a widow and child or children under the age of sixteen years, and the widow or widow and children, while such child or children are yet under the age of sixteen years, shall, as long as they collectively, shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years. *provided*, that no child shall receive more than such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parent or so depending shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the board of trustees may determine its necessity.

(2) When a member of the department shall die from causes other than those specified in subdivision one (1) of this section, after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand (1000) dollars.

(3) Any member of the fire department receiving a pension from the firemen's relief and pension fund, who shall become convicted of a felony, shall become disqualified, an habitual drunkard, or shall become a non-resident of this state, except on leave by the board of trustees, shall forfeit all right to such pension.

(4) The board of trustees may, on notice from the chief of the fire department, reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid out of funds provided by the council, and the council may, on application of the board of trustees, provide money for such purposes.

(5) The board of trustees shall hold quarterly meetings in April, July, October and January of each year and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the firemen's relief and pension fund. Each warrant shall state for what purpose the payment is made.

(6) The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the firemen's relief and pension fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the firemen's relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

(7) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(8) The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the commissioner of revenue and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(9) The treasurer shall retain from the compensation of each member of the fire department two (2) dollars per month, which shall forthwith be paid into the firemen's relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XVI.

HEALTH DEPARTMENT.

Appointment.

SEC. 105. The commissioner of public health and safety as head of the health department shall appoint a health officer, a city chemist, a market and food inspector and a plumbing inspector, subject to confirmation by the council. He shall also appoint all such other inspectors, clerks, assistants and employees, as may be provided for by the council by ordinance, for the efficient administration of the health department.

Authority of Commissioner and Inspectors.

SEC. 106. Said commissioner of public health and safety shall have general supervision over the sanitary condition of the city and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized inspector of his department, shall inspect when called upon by any person, and when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whiskey, beer, wine, milk, water, and any and all meats and any and all other things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination or inspection any place or building where any provisions, fruits, vegetables, whiskey, beer, wine, milk or other liquids are manufactured or kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or any authorized inspector of his department to be unfit for food or drink, and all such articles or things may be seized and destroyed by said commissioner or by said market and food inspector.

Qualification of Health Officer, Etc.

SEC. 107. The health officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall be licensed to practice medicine in this state. The city chemist shall be a person skilled and qualified for the efficient and capable performance of the duties usually appertaining to such office. The plumbing inspector shall be a plumber of five years' practical experience and regularly licensed as such.

Power of Arrest.

SEC. 108. The commissioner of public health and safety and all regularly appointed employees of the health department shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person or persons guilty of such violation.

Duties of Physicians and Householders.

SEC. 109. Every person in the city shall promptly report in writing to the health department every patient whom he shall have sick of an infectious, contagious or communicable disease dangerous to the public health; and every householder upon reasonable notice from said department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as said department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the council may by ordinance prescribe.

ARTICLE XVII.

ELECTRICAL DEPARTMENT.

Appointments.

SEC. 110. The electrical department shall be under the supervision of the commissioner of public health and safety. The commissioner of public health and safety shall appoint a superintendent and an assistant superintendent and necessary subordinates according to the civil service provisions of this charter. The appointment of the superintendent shall be subject to confirmation by the council. The employees of this department shall, as far as may be practicable, have the benefit of the provisions covering leave of absence and vacations which prevail in the police and fire departments.

Powers and Duties.

SEC. 111. The electrical department shall have general charge and supervision over all municipal electrical matters, and in particular shall have charge of the construction and maintenance of the fire alarm and police telegraph systems and is also charged with the duty of enforcing all the rules, regulations, orders and requirements made by ordinances in regard to the inspection and supervision of electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city of Oakland. This department shall also have charge of the municipal lighting and power, and shall make tests of the gas used throughout the city to determine its light and heat giving properties.

ARTICLE XVIII

FINANCE AND TAXATION.

The Fiscal Year.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year.

Tax System.

SEC. 113. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for State and county purposes, and redemption thereof, and all provisions of law applicable to such assessments, equalization, levy, collection and sale for State and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess and perform the same powers and duties in and out of the city concerning property and matters for municipal purposes as are by law conferred or imposed upon similar officers in matters concerning revenue and taxation for State and county purposes, and in that end.

1st—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

2d—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

3d—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

4th—All powers and duties so by law conferred or imposed upon the board and collector are hereby conferred and imposed upon the city tax collector.

5th—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

6th—All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any other officer within the limits of the city any statement or report whatsoever, nor make any report or entry as to equalization by the State Board of Equalization, or as to said equalization, maps or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate showing and certify it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract required by Section 478 of the Political Code. Should any such abstract as last provided be proven an instrument relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation or such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any State officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be levied and collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Alameda County.

(8) The assessment of property within the city of Oakland, as assessed by the city, made by the city assessor of the city of Oakland and the State Board of Equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department Estimates of Annual Requirements.

SEC. 114. On or before the third Monday in July of each year or on such date in each year as shall be fixed by the council, the heads of departments, officers and

boards shall send to the commissioner of revenue and finance a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 115. On or before the third Monday in August in each year, the commissioner of revenue and finance shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of the city and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office or board as the council may deem advisable.

Board of Equalization.

SEC. 117. The council shall meet at its usual place of meeting on the first Monday in July of each year, at eleven o'clock in the forenoon of said day, and sit as a board of equalization for the purpose of equalizing the taxes, and shall continue in session from day to day until the last Monday in July. The city clerk shall give notice of such meetings by one publication in the official newspaper. Said board of equalization shall have power to hear complaints and to correct, modify, strike out or to lower or to raise any assessment: *provided*, that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax.

The tax levy authorized by the council, when collected, shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Taxation for School Purposes.

SEC. 119. The council shall, when requested by the board of education, levy annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of all real and personal property within the city. This amount, when collected, shall be used in the building fund of the school department, and shall be used only for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto.

No land shall be purchased with any money raised by such tax except with the approval of the council, as provided for by section one hundred eighty-seven (187) of this charter, and no school building or addition thereto shall be constructed with any money raised by such tax except in the manner provided for by sections one hundred eighty-eight (188) and one hundred eighty-nine of this charter, and no money raised by such tax shall be placed in any fund of the school department, except upon these conditions. The council may, upon request of the board of education, levy a rate upon the taxable property of the city which will, with the money obtained from other sources for educational purposes, raise sufficient funds to adequately support the public schools of the city. The money collected for school purposes shall be immediately paid into the proper school fund of the city, to be drawn out only on the order of the board of education, and only for the purposes for which it was collected.

Cash Basis Fund.

SEC. 120. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents

on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to pay all legal demands against the treasury for the first three months or other specified period of the succeeding fiscal year.

The council shall have power to transfer from the said money fund to any other fund or funds such sum or sums as may be required for the payment of specific debt fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the said money fund be returned thereto before the end of the fiscal year.

Tax Laws

SEC. 121. All taxes assessed together with any interest due thereon the treasurer and the clerk of the city shall constitute liens in the property of the city. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in these sections shall attach on the first Monday in March in each year, and may be enforced by action to sell any of the personal jurisdiction to foreclose such liens, or by a writ of the superior court for the execution and delivery of all necessary certificates and writs thereon, under any regulations as may be prescribed by ordinance. Provided that taxes and interest offered for sale for city taxes and thereon, the same shall be struck off and paid to the city, in like case and in like manner, and with the like effect, and with the right of redemption, as if they had been sold and paid to the State, which may be sold for state and county taxes, except that the redemption money may be delivered to the State Controller and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereon.

Duties of the Auditor

SEC. 122. The auditor shall be an expert assessor. As auditor he shall perform all the duties prescribed by this chapter as to the assessing property in the city for the purposes of taxation. As auditor he shall keep a record of all demands allowed by law showing the date of payment, amount, and name of original holder, the number, on what account, and for what kind of property. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of every month, or period if required, report to the council the condition of such fund at the close of the month. He shall keep a complete set of books for the city in which shall be set forth in plain and businesslike manner every month transactions of the city, so that he can tell at any time the exact condition of the city's business. He shall also be required to report showing the sources from which the cities revenue was derived and how expended.

The auditor must prepare countersign and deliver from time to time to the treasury, and to every officer authorized in law to charge or collect any fine, commission, percentage, allowance or compensation for the performance of any public service or duty as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall keep and sign all documents from the school department and the Oakland Free Library when allowed by the council and proper board, shall have stamped upon it on the day it is approved in such form and shall be signed by the president and secretary or one of each body and shall then be presented to the auditor, who shall satisfy himself whether the money is really due and remains unpaid and its payment authorized by law and not of want of fund. After such examination he shall approve or refuse the claim or warrant in part and indorse on such demand his approval or rejection, even his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a four-fifths vote of the same body authorizing it, it shall be audited in the same manner as if it had not been rejected; provided, the body had the authority to make the expenditure out of which the claim arose.

No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specifies on its face every serial item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him, and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or public person, or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first discharging them from the amount of such indebtedness. He shall on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasury with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment.

board as the case may be, shall return all the checks to the proper parties and may again invite sealed proposals as in the last instance.

The check accompanying the accepted bid shall be held by the city council until the contract for doing said work, as hereinafter provided, has been entered into and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid and the money therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund. Neither the city council nor any board shall have the power to relieve from or remit such forfeiture.

Penalty for Collusion

SEC. 127. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in procuring any bid or bids, conspired with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the contract so awarded as the case may be, may advertise for a new contract for said work.

Contracts—Roads.

SEC. 128. All contracts shall be signed in triplicate, one of which with the specifications, and drawing if any, of the work to be done or necessary to be furnished, or both as the case may be, shall be filed with the city clerk, one thereof with said specifications and drawing shall be kept in the office of the superintendent of the department under whose supervision the work is to be done, and a copy of the work is being done under the supervision of a board, one in the office of the majority of such board, and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form annexed to the notice for proposals with two or more sufficient sureties to be approved by the council, or board as the case may be, or shall deposit with the auditor a certified check upon some solvent bank for the said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which said land and all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city and each surety shall certify and make an affidavit that which a form shall be printed upon said bond, signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property on or against greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The council, or the board as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the council, or board as the case may be.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as hereinafter provided for, the contract shall by that fact be terminated and the council, or board as the case may be, shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the council, or board as the case may be, may proceed to complete such contract either by releasing or otherwise and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive Payments on Contracts.

SEC. 129. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to Be Done by Contract.

SEC. 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or water fronts or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same,

or for any other use by the city or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works for the supplies to be purchased in the open market.

Indorsement of Auditor Upon Contracts.

SEC. 131. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied, and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Contracts for Official Advertising.

SEC. 132. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Oakland which is a newspaper of general circulation, having a bona fide general circulation of at least five thousand (5000) copies, and which newspaper has been regularly published in said city for two successive years prior to the time of awarding the contract; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper." Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only.

All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the city of Oakland may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter-heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the said usual business rates.

Contracts for Lighting.

SEC. 133. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts for Water.

SEC. 134. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Hours of Labor.

SEC. 135. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion With Bidder—Effect on Officer

SEC. 136. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information as to his standing, or who shall aid any bidder in regard to the character of the material or supplies used in the performance of the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater quantity or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever incapable to hold any office or employment in or under the city or city and county.

ARTICLE XX

FRANCHISES

Property Rights of the City Inalienable

SEC. 137. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise

SEC. 138. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, or, upon, over, under or across any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to Use Streets

SEC. 139. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the constitution of the State of California, be granted by the council upon the conditions specified in this article, and not otherwise:

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, under or across any street, lane, alley, court, highway, road, turn, or other public place in the city of Oakland.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-five (55) of section fifty-one (51) of this charter.

Applications for Franchises

SEC. 140. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten consecutive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege, provided, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years and not less than five per cent during the last twenty years, provided, that if no franchise, permit, or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise, and provided further, that the council shall have the right to reject any and all bids.

Bidding for the Franchise.

(3.) At the time of opening of the sealed bids, any responsible person, firm or corporation may bid for such franchise, permit, or privilege not less than one half of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one half of one per cent of the gross annual receipts for such entire term by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentages of the gross annual receipts arising from the use, operation or possession of such franchise, subject to the provision of subdivision two (2) of this section; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

If the franchise, permit or privilege is for a street railroad, or a suburban railroad or an interurban railroad which shall extend beyond the limits of the city of Oakland, then and in that case the percentages of gross receipts above specified shall be computed or reckoned as follows: The total length of the said railroad within and without the city shall be compared to the length of the said railroad within the city for which a franchise, permit or privilege is bid for, and such fraction of the entire gross receipts for the whole of such railroad within and without the city as the portion of such railroad within the city is of the said whole railroad shall be deemed and considered the gross receipts upon which the above percentages to be paid into the city treasury shall be reckoned. Any street railroad, suburban railroad or interurban railroad which, without having a franchise, permit or privilege from the city of Oakland so to do, uses the tracks of any other street railroad, suburban railroad or interurban railroad within the city of Oakland, shall pay into the treasury of the city of Oakland such minimum percentages of the gross receipts as are specified in subdivision two (2) of this section.

Deposit as Guarantee of Good Faith.

(4.) Every application for a franchise, permit, or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of applicant or bidder, and as fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free Competition in Bidding.

(5.) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

(6.) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Term of Franchise.

SEC. 141. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and Completion of Work.

SEC. 142. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced on good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, and franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time specified for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited. *Provided*, that if good cause be shown, the council may by ordinance extend the time for completion thereof not exceeding three months, and *provided* that the limitations and provisions hereof as to the time within which work shall be completed shall not apply to extensions of surface under franchises, permits or privileges other than for railroads, street railroads, substation or intermediate purposes.

Security and Accommodation.

SEC. 143. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, or by the ordinance which shall be necessary to secure to the great public, through the money, security and accommodation of the public, including among other things the right to make and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper safety and accommodation for the people and insure their comfort and convenience.

Rates and Charges.

SEC. 144. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and vary, late the rates, fares, tolls or charges made for the same, without regard to any franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or substation or intermediate terminal shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while on the actual discharge of their duties, be allowed to ride on all cars or cars running within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

Right of City to Acquire Ownership.

SEC. 145. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before still existing, or may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege at the values commonly known as 'good will' or 'going value' be considered in taking any account in fixing such valuation. The grantee, his successors or assigns of any franchise, permit or privilege under this article shall be required to send statements to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement, and said statement shall be verified by the oath of the grantee and secretary of the grantee, his successor or assigns, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm. If the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No cost of transportation, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successor or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this chapter provided, if referendum be demanded by the people.

Regulation of Public Utility Rates.

SEC. 146. Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix the price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a

net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than five per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

No Conveyance Necessary for City's Ownership.

SEC. 147. Every ordinance granting any franchise, permit, or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit, or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

Lease or Assignment of Franchise.

SEC. 148. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent; *provided* that nothing herein shall be construed to prevent the grantees from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Street Sprinkling, Cleaning and Paving.

SEC. 149. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Examination of Company's Books—Audit.

SEC. 150. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Oakland, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Oakland said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council shall work a forfeiture of the said franchise, permit or privilege.

Annual Reports of Company.

SEC. 151. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Oakland, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of Records and Reference.

SEC. 152. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference:

First—A franchise record, indexed and of proper form, in which shall be trans-

scribed accurate and correct copies of all franchises or permits for the use, occupancy, construction, persons, or corporation owning or operating any public utility. The said record shall give the name of the person or corporation owning or operating the same, and assignee thereof. Said record shall be a complete record of all franchises granted by the city and shall include a correct copy and summary reference to all contests, or proceedings at law, if any affecting the same.

Second. A public utility record of every person, firm, or corporation owning or operating any public utility under any franchise granted by the city, which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, as well as to be published or acquired by them or it, together with copies of all annual reports and reports, as herein provided, and such other matters of information and interest, as herein provided, the same as the market value, from time to time made. If any annual reports are not filed and inspected as herein provided, the council shall record such fact in the public utility record, and in writing report the same to the council.

Payment of Gross Receipts.

SEC. 153. The stipulated percentage of gross receipts provided in this chapter to be paid for the use and enjoyment of any franchise, permit or privilege, shall be paid annually at the time of filing the annual report provided for by section one hundred and fifty-one (151) of this charter to be filed by persons, firms or corporations owning franchises, permits or privileges. Failure to pay such percentage shall mean a forfeiture of the franchise.

Forfeiture for Non-compliance.

SEC. 154. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach of default in compliance with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though it were made by ordinance, and where the charter does not provide that any ordinance may grant a franchise, permit or privilege shall contain any terms or conditions of franchise, the said terms and conditions shall be considered as contained in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Limitations of Water Front Franchises.

SEC. 155. No exclusive franchise, permit or privilege, except the right of construction or maintaining or operating railroads, wharves, docks, wharfs, drydocks, graving docks, shipyards or marine railways, shall be granted necessary to each and all of them, shall be granted by the city of San Francisco, in, over or upon any portion of the bed of the bay of San Francisco, or of the estuary of San Antonio, or of the bay of San Leandro, or of the bay of San Francisco, or of the estuary of San Antonio, or of the bay of San Leandro, shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported, by the operators of railroads, upon such franchises, permits or privileges, to designated points and for designated purposes, and for all tracks operated under said franchises, permits or privileges, and payment of a reasonable compensation for such switching and transportation. No franchise, permit or privilege shall be granted for any portion of the bed of the bay of San Francisco greater in width than seven hundred feet measured at right angles to Twelfth street or to B street projected westerly. And no franchise, permit or privilege for any portion of the bed of the bay of San Francisco shall be granted between the eastern line of Linden street, projected southerly, and the eastern line of Alice street projected southerly, greater in width than seven hundred feet measured at right angles to Broadway or to Adeline street. No exclusive franchise, permit or privilege for any portion of the bed of the Bay of San Francisco shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege for any portion of the bed of the bay of San Francisco. No exclusive franchise, permit or privilege for any portion of the bed of the estuary of San Antonio, between the eastern line of Linden street projected southerly and the eastern line of Alice street projected southerly shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege to any portion of the bed of the estuary of San Antonio. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of the bay of San Francisco or the estuary of San Antonio or of the bay of San Leandro which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for.

Switching Rights.

SEC. 156. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Oakland

and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchises Not in Use Forfeited.

SEC. 157. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in Plain Terms.

SEC. 158. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchises Specify Streets.

SEC. 159. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

License Tax.

SEC. 160. The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service, also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

Other Conditions May be Imposed by Council.

SEC. 161. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Franchises for Railroads Other than Street, Suburban or Interurban Railroads.

SEC. 161. The council may grant franchises for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the city of Oakland, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Section 137 relating to property rights of the city; of Section 140 relating to applications for franchises; of Section 141 relating to life of franchises; of Section 142 relating to beginning and completion of work; of Section 143 relating to service and accommodation; of Section 144 relating to rates and charges; of Section 145 relating to right of the city to assume ownership; of Section 147 relating to conveyances; of Section 148 relating to leases and assignments of franchises; of Section 149 relating to street sprinkling, cleaning and paving; of Section 152 relating to books of record and balance; of Section 154 relating to forfeiture for non-compliance; of Section 155 relating to limitations on water front franchises; of Section 156 relating to switching rights; of Section 157 relating to forfeiture of franchises not in use; of Section 158 relating to terms of ordinances; of Section 159 relating to specifications of streets; and of Section 161 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads; and anything in this article to the contrary notwithstanding, no other section contained in this article (Article XX) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads.

Provided, that the application of the provisions of said Section 140 (relating to applications for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said Section 140, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the

advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid.

And provided, that in the application to the granting of franchises for crossings other than street railroads, suburban or interurban railroads, the provisions of said Section 144 (relating to rates and charges) shall apply only to the said portion of such railroads.

And provided, that in the application to the granting of franchises for crossings other than street railroads, suburban or interurban railroads, no provision of said Section 145 (relating to rights of the city to assume ownership) shall be construed as requiring such franchise, subject to petition to grant the right to take over to itself any of the rolling stock or other movable property of the applicant, his successors or assigns, used in the enjoyment of such franchise, subject to taking.

ARTICLE XXI

THE INITIATIVE.

Preliminaries to Filing Petition.

SEC. 102. The qualified electors of the city shall have power to propose, by petition, and to adopt at the polls any ordinance which may be included within the charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full, signed by a qualified number of the city electors in number as hereinafter required at the entire vote cast for the ordinance, but the office of mayor at the last preceding general municipal election.

Before any petition for such submission of a proposed ordinance shall be accepted, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance, a statement of the number of signatures giving the proposed ordinance to a vote of the electors by an initiative petition; and the petition of the party making such affidavit. The commissioners shall have five days after the filing of such affidavit in which to formulate and send by registered mail to the city clerk a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of such initiative certificate forming a part of the petition.

Form and Contents of Petition.

SEC. 103. The form and contents of the petition and mode of verification and verification shall be substantially as follows:

(Individual certificate.)

PETITION TO THE COUNCIL

Requiring the submission of

A SPECIAL (OR GENERAL) MUNICIPAL ORDINANCE.

(The above heading must be printed in type of a 24-point Roman size, with still lower case.)

Of a proposed ordinance entitled: (here insert title of ordinance.)

PROPOSER'S REASONS FOR

ADOPTING ORDINANCE

(here insert such reasons.)

THE NOTER'S REASONS FOR

NOT ADOPTING ORDINANCE.

(here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council, requesting that it forthwith submit to the vote of the electors of the city of Oakland at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without affirmative action and as provided in the charter of the city of Oakland.

I further certify, that I have read the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Oakland, State of California, that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city and that my occupation is _____.

(Signed)

STATE OF CALIFORNIA,

COUNTY OF ALAMEDA,

CITY OF OAKLAND,

I, _____ ss.

being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this _____ day of _____

19_____

(Signed)

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Fifteen Per Cent Petition.

SEC. 164. If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected (provided that the number of signers to any such petition shall not be less than three thousand) and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors; unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Five Per Cent Petition.

SEC. 165. If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Limitations on Petitions.

SEC. 166. No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election, and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Measure to be Mailed to Voters.

SEC. 167. Whenever any ordinance is required, under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance to be printed and it shall be the duty of the city clerk to inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in the official newspaper, one week preceding the date of such election.

Arguments to be Mailed to Voters.

SEC. 168. If a proposed ordinance be submitted upon an initiative petition of the qualified electors, the person filing the affidavit preliminary to the circulation of such initiative petition, or the person or organization on whose behalf said affidavit was filed, shall have the right to present to the city clerk at any time twenty-five (25) days prior to said election, printed copies of an argument favoring said ordinance, and said council shall have the right to present, or permit to be presented, to the city clerk, within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the clerk shall prescribe. The city clerk shall inclose one copy of each of such arguments with the sample ballot and copy of the ordinance, mailed to each voter; *provided*, he has been furnished with printed copies of such argument equal in number to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the council to expend any money of the city for the formulation or printing of any such argument.

Election.

SEC. 169. The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall contain the words, "For the Ordinance" and "Against the Ordinance." If a majority of the qualified voters voting at and upon the proposed ordinance shall vote in favor thereof, such ordinance shall take effect ten (10) days after the declaration of the official canvass.

Several Ordinances at One Election.

SEC. 170. Any number of proposed ordinances within the foregoing had any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections.

SEC. 171. There shall not be held under this article more than one special election in any period of six months.

Competing and Conflicting Measures. Repeal.

SEC. 172. When there are two or more ordinances proposed to secure the same general purpose, the voter shall so declare and shall give his ballot so framed that the voter (first) can choose between any ordinance or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. If two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances or between two or more ordinances and a resolution adopted at the time, then the ordinance or election resolution receiving the highest affirmative vote shall prevail. No ordinance approved by the voters under the provisions of this article shall be amended or repealed except by vote of the electors at the next election. Any ordinance shall otherwise provide.

Election is Mandatory.

SEC. 173. If any ordinance proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this chapter, is not submitted to the voters at or within the time elsewhere specified in this chapter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue, or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or after that time, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition. If any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this chapter, this section is prohibitory and mandatory.

Charter Amendments.

SEC. 174. The provisions of this article, unless prohibited by the State Constitution, shall apply to the proposal, submission, and adoption of charter amendments.

Substantial Compliance.

SEC. 175. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further Regulations.

SEC. 176. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article III thereto.

ARTICLE XXII.

THE REFERENDUM

Public Utilities.

SEC. 177. Every ordinance or other measure granting or renewing a franchise, permit or privilege for the operation of any public utility, the franchise, permit or privilege for which has expired or is about to expire, or providing for the transfer or acquirement in whole or in part of any public utility (except the lease of a portion of a public conduit or tunnel), or for the granting of a franchise upon any boulevard as provided in subdivision forty-nine (49) of section fifty-one (51) of this charter, must be referred and submitted to the vote of the electors of the city at the election next ensuing not less than sixty (60) days after the adoption of such ordinance or other measure, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Electors.

SEC. 178. No ordinance or other measure passed by the council granting either any franchise, permit or privilege to operate, or to be used in connection with, any public utility either wholly or partially within or without the city of Oakland, or authorizing the acquirement, or transfer or change in the use of any lands or interest therein, or authorizing the lease or permission to use a portion of any public conduit

or tunnel, shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance, measure or action shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten (10) per cent of the entire vote cast for all candidates for mayor at the last preceding general municipal election, provided, that the number of signers to any such petition shall not be less than two thousand, requesting that such ordinance, measure or action be submitted to the electors. In case such petition is filed, such ordinance, measure or action shall not go into effect until approved by a majority of the voters voting thereon at a general or special municipal election.

Referendum by Council.

SEC. 179. Any ordinance which the council is empowered to pass may be submitted by an affirmative vote of three (3) of its members at a general municipal election only, subject to the provisions of this article so far as applicable.

Preliminaries to Filing Petition.

SEC. 180. Before any petition for the submission of an ordinance or other measure to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: a copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponent's reasons for the rejection of such ordinance or measure; a statement of the intention to secure the submission of such ordinance or measure to a vote of the electors by a referendary petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance or measure should be adopted. These reasons for and against the adoption of the ordinance or measure shall be printed as a part of the individual certificate forming a part of the petition.

Regulations Governing Petitions.

SEC. 181. The form and conditions of the petition asking that any ordinance or measure be referred to the people under this article shall be substantially as follows:

(Individual certificate.) PETITION TO THE COUNCIL. Requiring the submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.

(The above heading must be printed in type of a 24-point Roman face, caps and lower case.)

Of that ordinance or measure entitled: (here insert title of ordinance or measure).

OPPONENT'S REASONS
AGAINST ADOPTING ORDINANCE
(OR MEASURE):

COUNCIL'S REASONS
FOR ADOPTING ORDINANCE
(OR MEASURE):

(Here insert such reasons.)

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Oakland, to the vote of the electors of the city of Oakland, at a special municipal election (or general municipal election), that certain ordinance (or measure) *35a* entitled (here insert title of ordinance or measure), to a copy of which this certificate is attached, passed by the council on the _____ day of _____, 19____.

I further certify that I have read the above reasons for and against the adoption of said ordinance (or measure), and am against its adoption; that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signor or any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF ALAMIDA,
CITY OF OAKLAND, } ss.

_____, being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statement therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____

Verification deputy or (notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Arguments to Be Made to Voters.

SEC. 182. If an ordinance for measure be submitted to the vote of the electors by referendum petition, the person filing the affidavit presenting to the clerk of such referendum petition, or the person or organization on whose behalf such affidavit was filed shall have the right to present to the city clerk of said city, twenty-five (25) days prior to said election, printed copies of an argument opposing said ordinance for measure, and the council shall have the right to present to the clerk an argument favoring said ordinance or measure. No such argument shall exceed five thousand (2000) words in length, and such argument shall be printed on one side and upon such character of paper suitable for mailing as the clerk shall determine. The city clerk shall enclose one copy of each of such arguments with the complete list and copy of the ordinance or measure, ordered to such election, provided he has been furnished with printed copies of such argument upon or before the day of such election of the total number of qualified electors. Nothing in this section contained shall obligate the council to expend any money of the city for the transmission or mailing of any such argument.

Time of Election.

SEC. 183. If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Elections—How Conducted.

SEC. 184. Sections one hundred sixty-seven (167), one hundred sixty-eight (168), one hundred seventy (170) and one hundred seventy-five (175) of this charter applying to the initiative, shall govern elections held under the authority of this article, so far as applicable.

Majority Vote.

SEC. 185. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall be taken into effect (5) days after the declaration of the official canvass; otherwise it shall be rejected and rejected.

Further Regulations.

SEC. 186. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to amend the provisions of Article III thereto.

ARTICLE XXIII

THE PUBLIC SCHOOLS

The Board of Education

SEC. 187. The board of education shall have entire control and management of the public schools in the city, in accordance with the constitution, general laws of the state and provisions of this charter, and said board is hereby created with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education. The board of education shall have power to purchase land for educational purposes, subject to the approval by ordinance of the council, and to construct school buildings and additions thereto, in the manner prescribed by this charter.

Plans for School Buildings.

SEC. 188. When funds for the construction of school buildings or additions thereto have been raised by the municipality, the board of education must, and when such funds have been raised otherwise the board of education may make requisition upon the commissioner of public works for plans and specifications and estimates for a new school building, or for any addition to school buildings or a school building, specifying the location thereof, the number of class rooms needed, the date at which the work should be completed, the amount of money in the school fund available for the purpose, giving in detail the size of the class rooms, the type of the building, the number and width of the stairways of the building, and such other information as will enable the said commissioner of public works to prepare the necessary plans and specifications and estimates for the cost of the said building or buildings or additions.

Construction of School Buildings.

SEC. 189. The said commissioner of public works shall within ninety days after the receipt of said requisition submit in duplicate to the board of education such plans and specifications and estimates. The board of education shall approve, reject, or return the same to the said commissioner of public works for amendments. When the plans shall have finally been approved by the board of education, the date of approval shall be indorsed on each duplicate by the president and secretary of the board, and thereupon one of the said duplicates shall be filed in the office of the

board of education, and the other shall be returned to the said commissioner of public works. The board of education shall then proceed to contract for the construction of such building, in the manner provided for making contracts for the construction of other public buildings in Article XIX of this charter. The construction of every such school building shall be under the immediate supervision of the commissioner of public works. No change shall be made in the plans and specifications without the written consent of said commissioner of public works and the board of education. A copy of such changes shall be certified to and shall be attached to the original plans and specifications and original contract. When the funds for the construction of such building, or addition thereto, have been raised by the municipality, the provisions of this section shall be mandatory.

Meetings to be Public.

SEC. 190. All meetings of the board of education shall be public.

Superintendent of Schools.

SEC. 191. The board of education shall appoint a superintendent of schools, fix his compensation and prescribe his powers and duties.

Tenure of Teachers.

SEC. 192. Every person employed as a regular teacher by the school department shall be considered reelected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

School Warrants.

SEC. 193. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in this charter.

Annual Estimate of Expenses.

SEC. 194. The board of education shall annually, at the time fixed by section one hundred fourteen (144) of this charter, submit in writing to the council, a careful estimate of the amount of money to be received from any and all sources whatsoever, other than the city, for the support of the public schools in the city (separate estimates to be made for the grammar and primary schools and for the high schools), together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year; and a careful estimate of the amount of money, if any, required for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto, specifying in detail the uses to be made of such moneys.

ARTICLE XXIV.

MISCELLANEOUS.

When This Charter Takes Effect.

SEC. 195. For the purpose of nominating candidates and electing mayor, auditor, who shall be ex officio assessor, commissioners and school directors, in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1911.

First Election Under This Charter.

SEC. 196. The city council of the city of Oakland in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of Incumbents in Office.

SEC. 197. The members of the council, the members of the board of education, the mayor, the auditor and ex officio assessor, the city attorney, the city engineer, the city treasurer, the members of the board of public works and the members of the board of commissioners of the police and fire departments, in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor and ex officio assessor, commissioners and school directors, respectively, first elected under this charter.

Except when in this charter otherwise provided, the term of each and all the other elective officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force.

SEC. 198. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Judicial Power.

SEC. 199. The judicial power of the city shall be vested in a police court and in such justices' courts as are or may be provided for by law, and the existing police court of the city shall continue as it now exists until it is otherwise provided for by law.

Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or imprisonment or by both said fine and imprisonment committed in the city where such police court is held, and in all such cases to hear, try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law. Said police court shall also have exclusive jurisdiction of all proceedings for violation of laws and ordinances of said city, both civil and criminal, and of all actions for the recovery of any licenses required by the ordinances of said city.

All proceedings in said police court in behalf of the people, whether for the violation of any statute of the state or ordinance of the city, shall be commenced by a deputy district attorney of this county as now provided for by law.

The chief of police shall designate one or more prosecutors who shall be sworn in and on the police court and act as bailiffs therein.

Premium on Official Bonds.

SEC. 200. The premium or charge for all official bonds required of executive officers, of all officers whose bonds are fixed by the charter, and of all officers and employees of the city, or of any board thereof, of whom official bonds in specified amounts shall be required with approval of the council, shall be paid by the city, provided, however, that no premium or charge for such bond shall exceed one half of one per centum per annum on the amount thereof.

Streets.

SEC. 201. The word "streets" when used in this charter includes streets, highways, lanes, alleys, courts and public places.

Qualified Elector Defined.

SEC. 202. A "qualified elector" for the purposes of petitions for referendum, initiative, referendum and recall under the provisions of this charter, is any voter whose name appears on such great register of Alameda county or any supplement thereto as is then allowed by general law to be used to determine the eligibility of persons to vote at municipal elections in the city, and whose address appearing on such great register or supplement is in the same precinct as the address given by him on the certificate signed by him and forming part of such petition.

Attention to Duties.

SEC. 203. All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment, and a failure so to do shall be ground for removal. The council shall by ordinance fix the office hours of all chief officials, clerks, assistants and office employees, and the hours of labor of all other employees.

SEC. 204. All appointments of officers, deputies, clerks and other employees to be made under any of the provisions of this charter, must be made in writing, and in duplicate, authenticated by the person or persons, council, board or other making the same. One of such duplicates must be filed with the secretary of the civil service board and the other with the auditor.

Regarding Certain Provisions in Charters of Cities Consolidated or Annexed.

SEC. 205. Whenever, under the terms of this charter as adopted, or as hereafter amended, or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Oakland, and the charter of such incorporated city or town shall contain therein any provision or provisions restricting, prohibiting or regulating the sale of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Oakland, such provision or provisions of the charter of such city or town so consolidated with or annexed to the city of Oakland shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take place as a subdivision of the charter of the city of Oakland, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the city of Oakland, and shall govern as to the restricting, prohibiting or regulating the sale of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by a majority of the electors within such territory.

CERTIFICATE

WHEREAS, The city of Oakland, a city containing a population of more than one hundred thousand (100,000) and less than two hundred thousand (200,000) inhabitants, on the sixth day of July, 1910, at a special election and under and in accordance with the provisions of section eight (8), Article XI of the Constitution of the State of California, did elect R. H. Chamberlain, William C. Clark, I. H. Clay, Charles H. Daly, George W. Downing, Albert H. Elliot, Raymond B. Felton, John Forrest, Richard M. Hamb, Hugh Hogan, Albert Kayser, John J. McDonald, George C. Pardee, Harrison S. Robinson and Fred L. Shaw, a board of fifteen (15) freeholders to prepare and propose a charter for said city.

BE IT KNOWN, That in pursuance of said provisions of the Constitution, and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Oakland, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provisions of the constitution, also presents therewith for the choice of the voters, and to be voted on separately without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall if approved by the voters take the place of subdivision thirty-one (31) of section fifty-one (51), Article IX, of the proposed charter, which reads as follows:

"To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition prohibiting the sale of liquor in residential districts take the place of subdivision thirty-one (31) of Section fifty-one (51), Article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect; *and provided, however*, that the council shall have no power to license any saloon, bar, or other place wherein may be sold, to be drunk on the premises, any spirituous, malt, vinous or alcoholic liquors in residential districts of the city; that is to say, in any place within a radius of three hundred (300) feet of which there are more residences than business houses; and every person who, within any such residential or other restricted district, so sells, barter, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor; *all provided*, that the council may, under such regulations as it may adopt, authorize within as well as without such districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this third day of October, one thousand nine hundred and ten.

R. H. CHAMBERLAIN.
WILLIAM C. CLARK.
I. H. CLAY.
CHARLES H. DALY.
ALBERT H. ELLIOT.
RAYMOND B. FELTON.
JOHN FORREST.
RICHARD M. HAMB.
HUGH HOGAN.
ALBERT KAYSER.
JOHN J. McDONALD.
GEORGE C. PARDEE.
HARRISON S. ROBINSON.
FRED L. SHAW.

Attest:

HARRY A. ENCELL, Secretary.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA,
CITY OF OAKLAND.

I, FRANK K. MOFF, mayor of the city of Oakland, county of Alameda, State of California, do hereby certify that the board of trustees, a majority of whose names appear signed to the foregoing proposed charter, were, on the 6th day of July, 1910, at a special election held in said city of Oakland in and to which said board duly elected as such board by the qualified electors of said city of Oakland, to prepare and propose a charter for said city, that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election, that the foregoing is a true copy of said charter presented and presented and returned to me as mayor of said city of Oakland within ninety days after said election as required by Section 8 of Article XI of the Constitution of this state, that said proposed charter was published in the Oakland Tribune and in the Oakland Tribune, which then were daily papers of general circulation printed and published in said city, and that said publication was made for more than thirty days and that the first publication of said proposed charter was on or before thirty days after the completion of said charter, that said charter was after the publication of said charter, to wit, on the 8th day of December, 1910, the said charter was submitted to the qualified electors of said city at a general election, the same and held therefor for the purpose of ratifying or rejecting said proposed charter and the alternative proposition set forth therein, that at said election, by a majority of the votes of the said qualified electors present at said election, said proposed charter was ratified as a whole, and the alternative proposition, being presented being separately voted on, was not ratified, and the majority of the qualified electors of said city voting at said election voted against the adoption of said proposed proposition; that the ratification of said charter was duly recorded in the records of the city of Oakland on the 12th day of December, 1910, and the charter herein declared as above set forth, and that in its contents and things pertaining to said proposed charter and the ratification thereof, no provision of the Constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Oakland to be affixed this 6th day of January, 1911.

[SEAL]

FRANK K. MOFF
Mayor of the City of Oakland

Attest

FRANK R. THOMPSON

City Clerk and Clerk of the Council of the City of Oakland

AND, WHEREAS, Said proposed charter, as recited, aforesaid said proposed proposition has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (the majority of all the members elected to each house thereof, the adoption of this resolution and concurring thereon, that said charter of the city of Oakland, without said alternative proposition, as said charter was presented, be adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Oakland.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Ayoy, Bell, Bills, Birdsell, Black, Boynton, Bryant, Candler, Campbell, Cassidy, Curtin, Carter, Finn, Gates, Hans, Harp, Howell, Hume, Hoed, Jaffard, Larkins, Lewis, Martinelli, Rogin, Roscherry, Rush, Sanford, Shanahan, Stetson, Stedbridge, Thompson, Tyrrell, Walker, Welch, Wells, and Wright. 36

NOES—None.

Senate Concurrent Resolution No. 5 ordered engrossed and transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the

expenses of legislative printing for the thirty-ninth session of the legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, ordered engrossed, and on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Roseberry:

Resolved, That the State Printer be, and he is, hereby instructed to print one thousand (1,000) copies of Senate Bill No. 17 in addition to those heretofore printed.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Senator Curtin: Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof relating to the appointment of trustees of the district.

Bill read first time, and referred to Committee on Public Health and Quarantine.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Stetson asked for and was granted unanimous consent that the Committee on Judiciary be granted the use of the Senate Chamber on Wednesday, January 18, 1911, at eight o'clock P. M., for a public hearing on Senate Constitutional Amendment No. 8, relative to the rights of suffrage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Black:

Resolved, That the State Printer be instructed to print one thousand (1,000) extra copies of Senate Bill No. 182.

Resolution read and adopted.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Roseberry asked for and was granted unanimous consent that the Committee on Corporations be granted the use of the Senate Chamber on Tuesday, January 24, 1911, at eight o'clock P. M., for a public hearing on Senate Bill No. 333, the Railroad Commission bill.

MESSAGE FROM THE ASSEMBLY.

ON MOTION OF SENATOR BOYNTON—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Also: Senate Bill No. 226—An Act making an appropriation for an official stenographer for the Governor's office during and following the present session of the Legislature.

L. B. MALLORY, Clerk of the Assembly.
By THOS. G. WATKINS, Assistant Clerk.

Senate Bills Nos. 22 and 236 ordered to enrollment.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Boynton, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, January 18, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bell, Birdsey, Biss, Boynton, Burton, Buttry, Cresswell, Campbell, Cassidy, Curtin, Curtin, Estrella, Fox, Gove, Hays, Hays, Howell, Holahan, Hurd, Jewell, Larrison, Lewis, McHugh, Quinn, Ransom, Ross, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Turrell, Walker, Wells, Wells, and Wright. 38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 17, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Reban was, on motion of Senator Avey, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Strohbridge, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leon Clark, of Alameda County.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns and

incorporated cities and counties of the State of California to appoint sealers of weights and measures and defining the powers and duties of such officers.

Also: Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI of the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Judiciary.

ROSTBERRY, Chairman.

Senate Bill No. 31 and Senate Constitutional Amendment No. 2 ordered re-referred to the Committee on Judiciary.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 16, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, vice self, appointment withdrawn.

Fred G. Sanborn, of San Francisco, a member of the Board of Fish and Game Commissioners, vice George V. Steed, of San Francisco, appointment withdrawn.

Truxton Beale, of Bakersfield, a member of the Board of Regents of the University of California, vice Charles William Slack, of San Francisco, appointment withdrawn.

Dr. F. R. Burnham, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice L. A. Creelman, of San Diego, appointment withdrawn.

Charles H. Swallow, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice Fred W. Jackson, of San Diego, appointment withdrawn.

M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that the Senate advise and consent to the nominations therein.

AVEY, Chairman.

Senator Boynton moved that the Senate take up the consideration of the report.

Motion duly seconded.

Motion carried.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

The President put the question, "Will the Senate advise and consent to the appointment of David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, vice self, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Fink, Gates, Hans, Hewitt, Hobbs, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—31.

NOES—None.

Whereupon the President announced that the appointment of David Starr Jordan, of Palo Alto, a member of the Board of Fish and Game Commissioners, vice self, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Fred G. Sanborn, of San Francisco, a member of

the Board of Fish and Game Commissioners, vice George V. Stodd, of San Francisco, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bells, Bissell, Black, Burrows, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Hubbard, Hunt, Juddard, Lewis, Martinelli, Regan, Rosberry, Ross, Sargent, Shattuck, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, White, and Wright—22.

NOES—Senator Larkins—1.

Whereupon the President announced that the appointment of Fred G. Sanborn, of San Francisco, a member of the Board of Fish and Game Commissioners, vice George V. Stodd, of San Francisco, appointment withdrawn, had been duly confirmed.

The President put the question: "Will the Senate advise and consent to the appointment of Truxton Beale, of Bakersfield, a member of the Board of Regents of the University of California, vice Charles William Slack, of San Francisco, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bells, Bissell, Black, Burrows, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Hubbard, Hunt, Juddard, Lewis, Martinelli, Regan, Rosberry, Ross, Sargent, Shattuck, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, White, and Wright—24.

NOES—Senator Larkins—1.

Whereupon the President announced that the appointment of Truxton Beale, of Bakersfield, a member of the Board of Regents of the University of California, vice Charles William Slack, of San Francisco, appointment withdrawn, had been duly confirmed.

The President put the question: "Will the Senate advise and consent to the appointment of Dr. F. R. Burnham, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice L. A. Creelman, of San Diego, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bissell, Black, Burrows, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Hubbard, Hunt, Juddard, Larkins, Lewis, Martinelli, Regan, Rosberry, Ross, Sargent, Shattuck, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, White, and Wright—24.

NOES—None.

Whereupon the President announced that the appointment of Dr. F. R. Burnham, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice L. A. Creelman, of San Diego, appointment withdrawn, had been duly confirmed.

The President put the question: "Will the Senate advise and consent to the appointment of Charles H. Swallow, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice Fred W. Jackson, of San Diego, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bissell, Black, Burrows, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Hubbard, Hunt, Juddard, Larkins, Lewis, Martinelli, Regan, Rosberry, Ross, Sargent, Shattuck, Stinson, Strobridge, Thompson, Tyrrell, Walker, Welch, and White—23.

NOES—Senator Wright—1.

Whereupon the President announced that the appointment of Charles H. Swallow, of San Diego, a member of the Board of Harbor Commissioners for the Bay of San Diego, vice Fred W. Jackson, of San Diego, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rosaloff, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Whereupon the President announced that the appointment of M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, appointment withdrawn, had been duly confirmed.

REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

WELCH, Chairman.

Senate Joint Resolution No. 4 ordered on file.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 18—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

Also: Senate Bill No. 57—An Act to appropriate \$10,000.00 for the establishment of a school of forestry at the University of California.

Also: Senate Bill No. 294—An Act appropriating \$2,500 for the restoration and rebuilding of the Old Greek Chapel and Russian Fort, known as Fort Ross, at Fort Ross, Sonoma County, California.

Also: Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 18, 57, 294, and 295 ordered re-referred to Committee on Finance.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended, and that it be re-referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 339 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Forestry, Fruit and Cattle Ranges, to whom was referred Senate Bill No. 344—An Act to regulate the public service of stallions in California—have had the same under consideration and respectfully report the same back and recommend that it do pass.

BILLIS, Chairman.

Senate Bill No. 344 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1884, as amended by an Act approved March 5, 1901.

Also: Senate Bill No. 44—An Act providing that in the event of any election having been held for the election of officers of municipalities at the next time at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the next annual election to be held in 1912.

Also: Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1884.

Also: Senate Bill No. 235—An Act authorizing the investment and management, and disposition of any moneys in any sinking fund in any county, city and county, or incorporated city or town, and disposition of any moneys to any sinking fund of any county, city and county, or incorporated city or town, approved March 2, 1906.

Also: Senate Bill No. 256—An Act to amend an Act entitled "An Act to provide for the filling of vacancies in the government of municipal corporations," approved March 13, 1884, relating to the filling of vacancies.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 26, 44, 215, 235, and 256 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewers therein, and to provide for the payment of said taxes—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HURD, Chairman.

Senate Bill No. 110 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railways by compelling common carriers by railroad to properly man their trains.

Also: Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 1970 of the Penal Code, relating to the number of peremptory challenges.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 221, 277, 278, and 301 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof to be designated Section 38, relating to the establishment, construction and maintenance of state rail highways for steam, electric, motor and other train service—have had the same under consideration, and respectfully report the same back and recommend that the same be referred to the Committee on Roads and Highways.

STETSON, Chairman.

Senate Constitutional Amendment No. 9 ordered re-referred to Committee on Roads and Highways.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Also: Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Also: Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Also: Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

Also: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

STETSON, Chairman.

Senate Bills Nos. 161, 247, 291, and 302 ordered on file for second reading.

Senate Constitutional Amendment No. 7 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced:

By Senator Black: Senate Bill No. 410—An Act to add a new section to the Political Code of California, to be numbered 3612, relating to exemption of property from taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Strobbridge: Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title three, part three of the Political Code, relating to the establishment of industrial, technical, and agricultural training in the public schools.

Bill read first time, and referred to Committee on Education.

By Senator Cammett: Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 413—An Act to amend Section 25 of An Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Bill read first time, and referred to Committee on Education.

By Senator Hewitt: Senate Bill No. 414—An Act to add a new section to the Civil Code, to be numbered section five hundred and eighty-five, relating to the issuing and selling of shares of stock in mining corporations and to the designation of promotion stock thereof.

Bill read first time, and referred to Committee on Mining and Oil Industries.

Also: Senate Bill No. 415—An Act to add a new section, to the Civil Code, to be numbered section five hundred and eighty-four, relating to the issuing and selling of shares of stock in mining corporations and to the designation of treasury stock thereof.

Bill read first time, and referred to Committee on Mining and Oil Industries.

Also: Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 417—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in unincorporated towns, incorporated cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Stetson: Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers, and escheat of unclaimed funds.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 419—An Act to amend Section 3787 of the Political Code of the State of California, reserving lien for city taxes on property sold to State for delinquent taxes.

Bill read first time, and referred to committee on Revenue and Taxation.

By Senator Bills: Senate Bill No. 420—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been released by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employees, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employees.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Finn: Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain, and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Bill read first time, and referred to the San Francisco Delegation.

By Senator Campbell: Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Bill read first time, and referred to Committee on Education.

Also: Senate Concurrent Resolution No. 7—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

Concurrent resolution referred to Committee on Municipal Corporations.

By Senator Walker: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a "Fish and Game Preservation Fund" and unite the "Fish Commission Fund" and the "Game Preservation Fund" into a common fund to be known as "Fish and Game Preservation Fund," approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Birdsall: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this state.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Welch: Senate Bill No. 425—An Act to amend the law relating to the liability of employers for injuries to their employees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutten: Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER

On motion of Senator Cullen, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 426.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—RESUMED

By Senator Thompson: Senate Bill No. 427—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand juries, their power and duties.

Bill read first time, and referred to Committee on Judiciary.

By Senator Avey: Senate Bill No. 428—An Act to provide for the appointment of a state highway commission and to secure a more uniform system for the improvement of streets and highways and a more efficient and economical expenditure of moneys appropriated for the construction and maintenance of such streets and highways throughout the state.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 429—An Act to amend the Political Code of the State of California by adding a new section, to be numbered four thousand one hundred thirty five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

On motion of Senator Sanford, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Beynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 6 was temporarily passed on file, to retain its place.

Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, section 1, line 5, strike out the word "prostitution" and insert in lieu thereof the following: "prostitute."

Amendment adopted.

Also:

On page 1, section 1, line 7, strike out the word "tout" and insert in lieu thereof the following: "solicit."

Amendment adopted.

Also:

On page 1, section 1, line 8, strike out the word "touting" and insert in lieu thereof the following: "soliciting."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "Alameda" and insert in lieu thereof the following: "of Riverside."

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the word "Riverside" and insert in lieu thereof the following: "Alameda."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, after the word "property" insert the following: "or from the separate property of the spouse making the selection or joining therein."

Amendment adopted.

Also:

On page 1, section 1, line 6, after the word "land," insert the following: "so selected."

Amendment adopted.

Also :

On page 1, section 1, line 10, strike out the word "has" and insert in lieu thereof the following "the."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

During second reading of the bill, the following amendments were offered by Senator Wright :

On page 2, Section 3, line 1, strike out the word "entitled" and insert in lieu thereof the following : "shall be qualified."

Amendment adopted.

Also :

On page 2, Section 3, line 2, strike out the words "must be" and insert in lieu thereof the following "if she has been."

Amendment adopted.

Also :

On page 2, Section 3, line 3, strike out the word "desires" and insert in lieu thereof the following : "claims a right."

Amendment adopted.

Also :

On page 2, Section 3, line 4, strike out the words "and if married" and all of lines 5, 6 and 7.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER.)

By Senator Sanford : Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also : Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also : Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also : Senate Bill No. 434—An Act making an appropriation for furnishing a one story cottage for the use of the second assistant physician at the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 435—An Act making an appropriation for the erection and construction of a one story cottage for the use of the second assistant physician at the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 19, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 18, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Beban was, on motion of Senator Cassidy, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 7—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at foreign and domestic fairs and expositions, and to provide for a commissioner thereof, and prescribing his powers and duties—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

BILLS, Chairman.

Senate Bill No. 7 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Also: Senate Bill No. 234—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the legislature.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 19th day of January, 1911, at nine o'clock and thirty minutes A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 4—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was read for and ratified by the qualified electors of said city by a special territorial election held therein for that purpose on the 12th day of September, 1910, and report the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

Also:

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 268 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 210—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports—have had the same under consideration, and respectfully report the same back and recommend that the author be permitted to withdraw same: it being identical with Senate Bill No. 268.

HEWITT, Chairman.

Senate Bill No. 210 ordered on file for second reading.

WITHDRAWAL OF BILL

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bill No. 210—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Senate Bill 210 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED)

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 289—An Act to amend an Act entitled, "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909.

Also: Senate Bill No. 237—An Act to add a new section to the Political Code to be numbered 40416, relating to state conventions of boards of supervisors.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 132, 289, and 237 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Senate Bill No. 30—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

Also: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 135—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Also: Senate Bill No. 136—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended, and be re-referred to Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 15, 30, 36, 55, 135, 136, and 137 ordered re-referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital and to make appropriation for the same—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 426 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 18—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park—have had the same under consideration, and respectfully report the same back without commendation.

CUTTEN, Chairman.

Senate Bill No. 18 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California relating to the use of the main street or tracks by two lines of street railway—has had the same under consideration and respectfully report the same back and recommend that it do pass.

HURD, Chairman.

Senate Bill No. 244 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain.

Also: Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending section 1639 thereof, concerning demands to be rendered by representatives of deceased executors, administrators and guardians.

Also: Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Have had the same under consideration and respectfully report the same back and recommend that they do pass.

STETSON, Chairman.

Senate Constitutional Amendment No. 17 ordered on file.

Senate Bills Nos. 76 and 297 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the collection of property sold for delinquent taxes—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 83 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Also: Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Also: Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Clara and San Mateo counties, California, as additions to the Carmel Redwood Park.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

WRIGHT, Chairman.

Senate Joint Resolutions Nos. 1, 2 and 3 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Estudillo: Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California,

relating to the property rights of bona fide purchasers, or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Joint Resolution No. 5 Relative to Panama-Pacific International Exposition.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended and Senate Joint Resolution No. 5, be on file without reference to committee.

Motion carried.

RUSH ORDER TO PRINTER.

On motion of Senator Burnett, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 5.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Lewis: Senate Bill No. 439—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies.

Bill read first time, and referred to Committee on County Government.

By Senator Roseberry: Senate Bill No. 440—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read first time, and referred to Committee on Corporations.

WITHDRAWAL OF BILL.

Senator Roseberry asked for and was granted unanimous consent to withdraw Senate Bill No. 307—An Act providing for the organization and management of mutual fire insurance companies and defining the same, and repealing an Act providing for the organization and management of mutual fire insurance companies (approved March 19, 1907, Statutes 1907, page 631).

Senate Bill No. 307 withdrawn, and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Wright: Senate Bill No. 441—An Act to provide for an appropriation for the erection of a manual art school building for the use of the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 442—An Act to provide for a State exhibit at the Panama-California Exposition, to be held in San Diego, Califor-

nia, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor, creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Hewitt: Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 446—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten, relating to contracts for attorneys' fees made by and for the benefit of minors, to the fixing of such fees by the courts wherever judgment shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries in the counties of Solano and Yolo.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gates: Senate Bill No. 450—An Act to provide for the construction of a hospital building or buildings at the Los Angeles Department of the College of Medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles Department of the College of Medicine of the University of California, and to make appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Tyrrell: Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read first time, and referred to Committee on Drainage, Swamp, and Overflowed Lands.

By Senator Martinelli: Senate Bill No. 452—An Act for the relief of the widow of James Saultry for personal injuries received by him while in the service of the State, and which resulted in his death.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter or cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Holohan: Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sanford: Senate Bill No. 455—An Act to provide for the formation of agricultural district associations, and for the management and control of the same by the State and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Finn: Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Caminetti: Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees.

Joint resolution referred to Committee on Federal Relations.

By Senator Cutten: Senate Bill No. 457—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code referring to register of persons and firms to be kept by the county clerk.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code referring to the use of fictitious names and duties of those using them.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code referring to certificates, execution, filing, etc.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE FILES.

Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626*n* thereof relating to the use of animals as bloods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bennett, Caminetti, Campbell, Cassidy, Cutten, Finn, Gates, Hans, Hewitt, Holahan, Hard, Johnson, Jackson, Lewis, Martinelli, Regan, Roscherry, Sanford, Shanahan, Stenson, Tyrell, Wacker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

On motion of Senator Cutten, Senate Bill No. 263 was temporarily passed on file, to retain its place.

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

On motion of Senator Sanford, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 6 was temporarily passed on file, to retain its place.

Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

On motion of Senator Wolfe, Senate Bill No. 32 was temporarily passed on file, to retain its place.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or a vehicle containing a person, and prescribing a penalty for failure to perform such duty.

On motion of Senator Campbell, Senate Bill No. 10 was temporarily passed on file, to retain its place.

Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

On motion of Senator Wolfe, Senate Bill No. 34 was temporarily passed on file, to retain its place.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code relating to the salary of superior judges.

On motion of Senator Estudillo, Senate Bill No. 48 was temporarily passed on file, to retain its place.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

On motion of Senator Juilliard, Senate Bill No. 134 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION NO. 4.

Relating to certain recommended appropriations by Congress for the improvement of navigation.

WHEREAS, There has been recommended by a board of army engineers that an appropriation of \$510,000 be made by the Congress of the United States for the opening of Pinole Shoals in San Pablo Bay; and,

WHEREAS, There has been recommended by the corps of engineers, United States army, having jurisdiction over the navigable rivers of California, an appropriation of \$109,000 for securing and maintaining a nine-foot low water channel depth on the Sacramento River between Sacramento and Suisun Bay; \$12,000 for securing and maintaining a four-foot low water channel depth on the Sacramento River between Sacramento and Chico Landing; \$6,000 for securing and maintaining a three-foot low water channel depth on the Sacramento River between Chico Landing and Red Bluff.

Resolved by the Senate and Assembly of the State of California, jointly, That we consider the recommended improvements of the greatest importance to the State of California, and hereby petition the Congress of the United States to act favorably upon the proposed appropriations; and be it further

Resolved, That upon the passage of this resolution, the Secretary of the Senate be directed to forward a copy thereof to our Senators and Representatives in Congress asking them to present this resolution to the Senate and House of Representatives.

Resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Avey, Bills, Birdsell, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holahan, Hurst, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shannahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Senate Joint Resolution No. 4 ordered engrossed and transmitted to the Assembly.

Senate Constitutional Amendment No. 7.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 344.—An Act to regulate the public service of stations in California.

On motion of Senator Julliard, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 26.—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

On motion of Senator Stetson, Senate Bill No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 44.—An Act providing that in the event of no election having been held for the election of officers or municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 215.—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

On motion of Senator Stetson, Senate Bill No. 215 was temporarily passed on file, to retain its place.

Senate Bill No. 235.—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 256.—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 110.—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

During second reading of the bill, the following amendments were submitted by committee:

In section 1, line 7, after the word "sanitation" add, "and drainage."

Amendment adopted.

Also:

In Section 6, line 41, strike out the word "matter" and insert in lieu thereof, the words "consecutive insertions."

Amendment adopted.

Also:

In Section 6, line 24, after the word "oath" insert a comma.

Amendment adopted.

Also:

In Section 6, line 41, strike out the word "matter" and insert in lieu thereof, the word "manner."

Amendment adopted.

Also:

In Section 10, line 3, after the word "done" add, "within or."

Amendment adopted.

Also:

In Section 10, line 12, after the word "all," add "work done under."

Amendment adopted.

Also:

In Section 10, line 12, after the word "proceeding," add "until the completion thereof."

Amendment adopted.

Also:

In Section 10, line 12, after the word "thereof," strike out the balance of said section and insert the following: "If, after certain sewer work or improvement has been done under the provisions of this Act, the legislative body of any city, town or municipal corporation shall deem it necessary or convenient to construct any additional sewer or sewers, it shall be within the discretionary powers of the legislative body of any such city, town or municipal corporation to proceed in making such improvement either under the provisions of this Act or under the provisions of any other Act relative thereto. But any provision contained in any other Acts in conflict with provisions hereof shall be void as to, and of no effect upon, proceedings commenced under the provisions of this Act, except as herein provided."

Amendment adopted.

Also:

On page 8 of the printed bill, Section 11, line 1, strike out all of the said section after the period following the No. 11 and insert in lieu thereof the following: "The word 'sewer,' as used in this Act, shall be deemed to, and is hereby declared to, include sewers for sanitary or drainage purposes, drains or conduits for surface or storm waters, and the outlets therefor."

Amendment adopted.

Also:

Add a new section to the bill to be designated as "Section 12," and to read as follows:

SEC. 12. "This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, section 1, line 4, after the words "track or" insert the following: "branch."

Amendment adopted.

Also:

On page 1, section 2, line 2, after the word "freight" insert the following: "or work."

Amendment adopted.

Also:

On page 1, section 2, line 5, after the word "freight" insert the following: "or work."

Amendment adopted.

Also:

On page 1, section 2, line 6, after the word "instead" insert the following: "and."

Amendment adopted.

Also:

On page 2, section 4, line 7, strike out the word "at."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 277—An Act to amend an Act entitled, "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children, providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

On motion of Senator Lewis, Senate Bill No. 277 was temporarily passed on file, to retain its place.

Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

On motion of Senator Lewis, Senate Bill No. 278 was temporarily passed on file, to retain its place.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

During second reading of the bill, the following amendment was submitted by the committee:

On page 1 strike out all of section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed or loaned by such associations and prescribing a penalty therefor.

Bill read second time, ordered engrossed, and on file for third reading.

ANNOUNCEMENTS.

The President of the Senate presented the following communications relative to the accrediting of newspaper correspondents, which were read and ordered printed in the Journal:

SACRAMENTO, January 12, 1911.

Hon. A. E. Boynton, President pro tem. Senate, Capitol, Sacramento.

DEAR SIR: Mr. John L. Davis, of The Bee's staff, will succeed Mr. DeWolf, one of our present legislative reporters. Kindly see that this change is duly noted, and oblige.

Truly yours,

JOHN S. CHAMBERS.
News Editor.

SACRAMENTO, January 9, 1911.

Hon. A. E. Boynton, President pro tem. Senate, Sacramento, Cal.

DEAR SIR: In addition to The Bee's news staff covering the Legislature as follows: Franklin Hieborn, W. B. DeWolf, H. M. Standerwick, and, as occasion may require, myself, please add the name of A. V. Buell, The Bee's cartoonist. He may desire the privilege of the floor more or less frequently.

Very truly yours,

JOHN S. CHAMBERS.
News Editor.

SACRAMENTO, January 3, 1911.

Hon. A. E. Boynton, President pro tem. Senate, Sacramento, Cal.

DEAR SIR: Assuming that the rules of your House as to the attendance of the public upon its proceedings will be the same as two years ago, I write to state that The Bee's legislative representatives this session will be Franklin Hieborn, W. P. DeWolf, John L. Davis, Harry M. Standerwick, and myself, as occasion may arise; that is, I desire to have the right of entry in case I feel it needful to visit the Senate.

Yours very truly,

JOHN S. CHAMBERS.
News Editor.

SAN FRANCISCO, CAL., January 9, 1911.

To whom it may concern:

The bearer of this letter, Mr. L. F. Parton, is a correspondent of The Associated Press assigned to assist in reporting the Legislature during the present session.

CHARLES E. KLOEBER.
Superintendent Western Division The Associated Press.

Jan. 19, 1911]

SENATE JOURNAL.

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To whom it may concern:

SAN FRANCISCO, CAL., JANUARY 7, 1911.

Mr. Clifton E. Brooks is the regularly appointed correspondent for The Recorder accredited to the Legislature during the thirty-ninth session. Any courtesies extended to him will be appreciated by the management.

Yours very truly,

THE RECORDER PRINTING AND PUBLISHING CO.

ANDREW Y. WOOD, Manager.

LOS ANGELES, January 7, 1911.

President of the Senate, State of California.

DEAR SIR: The bearer, George R. Anderson, is the duly authorized representative of the Pacific Outlook during the present session of the Legislature at Sacramento.

Respectfully,

PACIFIC OUTLOOK.

A. M. DUNN, President and Manager.

LOS ANGELES, January 7, 1911.

Hon. A. J. Wallace, Lieutenant Governor State of California, President of the Senate.

DEAR SIR: This is to notify you that W. R. Williams, a member of the staff of the Los Angeles Times, is our accredited representative at the session of the Legislature.

Sincerely,

H. E. ANDREWS.

Managing Editor.

BERKELEY, CAL., January 9, 1911.

Hon. A. E. Baynton, President pro tem Senate, Sacramento, Cal.

DEAR SIR: This is to certify that Friend Wm. Richardson is the authorized representative of the Berkeley Daily Gazette.

F. W. RICHARDSON.

Editor and Manager Daily Gazette.

OAKLAND, CAL., January 7, 1911.

Hon. A. J. Wallace, President Senate, Sacramento, Cal.

DEAR SIR: This is to certify that the bearer, Edward A. O'Brien, is the duly accredited representative of The Oakland Tribune at the thirty-ninth session of the Legislature which is now being held in Sacramento.

Respectfully,

J. F. CONNERS.

Managing Editor.

SAN FRANCISCO, January 2, 1911.

Hon. A. J. Wallace, Lieutenant Governor of California, Sacramento, California.

DEAR SIR: Mr. G. A. Byers, Mr. F. B. Anderson, and Mr. Frederick O'Brien have been detailed by the United Press Associations to report the 1911 session of the California Legislature, Mr. Byers being in charge of the work.

Very truly yours,

RAY L. HALL.

Manager Pacific Coast Division.

PACIFIC PRESS PUBLISHING ASSOCIATION.

MOUNTAIN VIEW, CAL., January 2, 1911.

This is to certify that Mr. J. F. Blunt is authorized to represent the Pacific Press Publishing Association as reporter, during this term of the Legislature.

C. H. JONES, General Manager.

January 5, 1911.

Hon. A. J. Wallace, Lieutenant Governor State of California:

SIR: I have the honor to inform you that the following named persons are accredited representatives of the San Francisco Call assigned to report the thirty-ninth legislative session: W. Russell Cole, C. A. Farnsworth, E. A. Rogers, A. B. Simpson, Geo. A. Van Smith.

For these representatives of the Call I respectfully request the privileges and credentials customary and provided by the rules.

Very respectfully,

GEO. A. VAN SMITH,
Political Editor.

SAN FRANCISCO, CAL., January 10, 1911.

Hon. A. J. Wallace, Lieutenant Governor State of California:

SIR: The Evening Post has selected Mr. A. S. Petterson to represent this publication in Sacramento during the present session of the Legislature.

We ask, therefore, that you extend to him the courtesies of the Senate Chamber in so far as the rules of the upper house permit.

Wishing you personally and for The Post a Happy New Year and a successful administration, we remain,

Very truly yours,

EVENING POST PUBLISHING CO.,
S. FRED HOGUE, President.

OBOVILLE, CALIFORNIA, January 7, 1911.

To whom it may concern:

This is to certify that John F. Carrere is the legislative correspondent of the Oroville Mercury.

J. F. GALVIN, Managing Editor.

January 2, 1911.

Secretary of Senate:

This is to certify that E. A. Dickson is the accredited representative of the Los Angeles Express.

E. A. DICKSON,
Associate Editor Express.

January 10, 1911.

Lieutenant Governor Albert J. Wallace, Sacramento, Cal.:

DEAR SIR: John Francis Neylan is the accredited representative of the Bulletin of San Francisco.

Yours truly,

FREMONT OLDER.

January 19, 1911.

To the Secretary of the Senate of California:

SIR: This is to certify that the authorized representatives of the San Francisco Examiner now in Sacramento are Thomas P. Brown, Paul Herriott, James R. Nourse, and Edward H. Hamilton.

The Los Angeles Examiner is represented specially by James R. Nourse.

Yours respectfully,

EDWARD H. HAMILTON,
In charge of Bureau.

COMMONWEAL "CASTLE," NAPA COUNTY, CAL., January 1911.

(Permanent home of Labor Knight, only perambulating paper published in the world.—Union Labor Cartoon, January, 1911.)

To Hon. Albert J. Wallace, Lieutenant Governor of California,

President of the California Senate, Capitol, Sacramento, Cal.

DEAR SIR: On the request of Walter N. Parrish, Esq., Secretary of the Senate, this is written to state that the undersigned is the only representative of the Labor Knight in attendance on the California Legislature, thirty-ninth session, and to respectfully ask for the privilege of the Senate floor.

CARL BROWNE.

SAN FRANCISCO, December 29, 1910.

To whom it may concern:

The bearer of this letter, Mr. C. E. Persons, is a member of the staff of the San Francisco office of The Associated Press detailed in charge of the legislative bureau at Sacramento during the present session of the Legislature.

CHARLES E. KLOEBER,
Supt. Western Division The Associated Press.

SAN FRANCISCO, CAL., January 10, 1910.

To the Secretary of the Senate:

Messrs. Karl M. Anderson and J. P. Donahue of the San Francisco Chronicle have been appointed to represent that paper as correspondents during the session of the Legislature. Any courtesies extended to them will oblige,

Yours truly,

M. H. DE YOUNG,
By JOHN P. YOUNG, Managing Editor.

Chief Clerk Senate, Sacramento, Cal.

MODESTO, CAL., January 18, 1911

DEAR SIR: This will be presented to you by Mr. Leon Yanckwich, the long-time correspondent of the Modesto News. We will deem it a favor if you would be kind to loan the usual courtesies accorded the press by officers of the Senate and Assembly.

Very truly yours,

JOHN T. BELL, Editor News

January, 1911.

This is to certify that Mr. J. R. Fernon is authorized to represent the Pacific Press Publishing Association as reporter during this term of the Legislature.

C. H. JONES, General Manager

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Burnett, the President declared the Senate adjourned until Friday, January 20, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER.

Friday, January 20, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cannetti, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hays, Hays, Hewitt, Holohan, Hund, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 19, 1911, the further reading was dispensed with, on motion of Senator Birdsall.

LEAVE OF ABSENCE.

Senator Curtin was, on motion of Senator Lewis, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Bills was, on motion of Senator Campbell, granted leave of absence for this day.

Senator Beban was, on motion of Senator Cassidy, granted leave of absence for the day.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted—

ASSEMBLY JOINT RESOLUTION No. 3.

WHEREAS, There is now pending in Congress a resolution directing the President of the United States to transmit to the nations of the world an invitation to participate in the celebration of the completion of the Panama Canal at the Panama-Pacific Exposition to be held in the city of San Francisco during the year 1915; and

WHEREAS, There has now been pledged by the State of California, the city of San Francisco, and by the citizens of this State and residents of that city, the sum of seventeen million five hundred thousand dollars, to be expended in furthering the success of such exposition and the proper celebration of the completion of the greatest governmental work in the history of the world; and

WHEREAS, The State of California deems itself possessed of ample funds now available, together with almost inexhaustible resources to replenish the same or add thereto if necessary, without the necessity of Federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; and in pursuance of such assurance and in furtherance of such pledge, be it, therefore,

Resolved by the Senate and Assembly of the State of California. That we, the representatives of the people of the State of California, do hereby agree that in the event that Congress shall adopt the resolution above referred to, the Government of the United States shall neither be asked nor requested to donate, lend or appropriate any sum of money or assist in any financial way toward the success or in furtherance of the plans of such exposition, and we do further pledge the good faith and credit of the State of California to take all proceedings and do all things of every kind and character deemed necessary or proper to further the success of this exposition, and to secure the greatest celebration in the world's history to commemorate the completion of this greatest national achievement, the Panama Canal.

That our Senators and Representatives in Congress be, and they are hereby, requested and directed to bring this resolution to the attention of Congress.

That the Governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President of the United States and to the Secretary of State.

That a copy of the foregoing preamble and resolutions be forthwith transmitted by wire to our Senators and Representatives, and to our Senators and Representatives-elect.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

MOTION.

Senator Wolfe asked for and was granted unanimous consent that the rules be suspended, and Assembly Joint Resolution No. 3 taken up without reference to committee.

ASSEMBLY JOINT RESOLUTION No. 3.

WHEREAS, There is now pending in Congress a resolution directing the President of the United States to transmit to the nations of the world an invitation to participate in the celebration of the completion of the Panama Canal at the Panama-Pacific Exposition to be held in the city of San Francisco during the year 1915; and

WHEREAS, There has now been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city, the sum of seventeen million five hundred thousand dollars, to be expended in furthering the success of such exposition and the proper celebration of the completion of the greatest governmental work in the history of the world; and

WHEREAS, The State of California deems itself possessed of ample funds now available, together with almost inexhaustible resources to replenish the same or add thereto if necessary, without the necessity of Federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; and in pursuance of such assurance and in furtherance of such pledge, be it, therefore,

Resolved by the Senate and Assembly of the State of California. That we, the representatives of the people of the State of California, do hereby agree that in the event that Congress shall adopt the resolution above referred to, the Government of the United States shall neither be asked nor requested to donate, lend or appropriate any sum of money or assist in any financial way towards the success or in furtherance of the plans of such exposition, and we do further pledge the good faith and credit of the State of California to take all proceedings and do all things of every kind and character deemed necessary or proper to further the success of this exposition, and to secure the greatest celebration in the world's history to commemorate the completion of this greatest national achievement, the Panama Canal.

That our Senators and Representatives in Congress be, and they are hereby, requested and directed to bring this resolution to the attention of Congress.

That the Governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President of the United States and to the Secretary of State.

That a copy of the foregoing preamble and resolutions be forthwith transmitted by wire to our Senators and Representatives, and to our Senators and Representatives elect.

Assembly joint resolution read

The question being upon the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES. Senators Avey, Bell, Birdsell, Boynton, Brown, Brown, Cammerly, Campbell, Cartwright, Catten, Hewitt, Holdaway, Hood, Johnson, Johnson, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Schuchman, Stearns, Strong, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

NOES. None.

Assembly Joint Resolution No. 3 ordered transmitted to the Assembly

RESOLUTIONS

The following resolutions were offered:

By Senator Roseberry:

Resolved, That whenever clerical or typographical errors occur in a bill, constitutional amendment, joint or concurrent resolution, the Committee on Engrossment and Enrollment is hereby instructed and authorized to act with the consent of the author (before sending copy to printer for engrossment), to correct such clerical or typographical errors, but the author's consent to make the changes therein must be stamped, marked, or written on such original bill.

Resolution read, and adopted.

By Senator Boynton:

Resolved, That the Standing Rules of the Senate, as printed in the Journal of January 5, 1911, be and the same are hereby amended as follows:

Strike out of Rule 3, line 14, the words "enrolled and engrossed" and insert in lieu thereof the words "engrossed and enrolled."

Strike out the word "reporters," at the end of Rule 4, and insert in lieu thereof the words "properly accredited newspaper representatives."

Strike out of Rule 6, line 2, the words "is hereby," and insert in lieu thereof the words "shall be."

Amend Rule 13 by adding after the words "constitutional amendments," the words "journals and histories."

Amend the title to Rule 17 by striking out the words "Senators must address the President," and insert in lieu thereof the words "discussion and debate."

Amend Rule 29 by inserting wherever the words "engrossing clerk" or "enrolling clerk" are used the words "engrossing and enrolling clerk."

Amend Rule 31 by striking out all of the same, including the caption, and inserting in lieu thereof, the following:

Disposition of Assembly Bills.

31. When an Assembly bill has been received by the Senate, with a message announcing that the same has passed the Assembly, such bill shall be referred to a standing committee; *provided, however*, that when an Assembly bill is received, the provisions of which are stated by a member to be identical with those of a Senate bill, which has already been considered and reported by a committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report forthwith whether or not said bill is identical with the Senate bill, and if reported identical, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn) and shall take its place on the second reading file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

Amend Rule 32 by striking out in line 1 the words "or resolutions."

Amend Rule 33 by striking out the words "Journal Clerk" and insert in lieu thereof the words "Secretary of the Senate."

Resolution read, ordered printed in the Journal, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 114—An Act to amend section three hundred and thirty-seven *a* of the Penal Code relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BELL, Chairman.

Senate Bill No. 114 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred the following resolution by Senator Shanahan:

WHEREAS, It is the requirement of Section 7, of Article IX, of the Constitution that a uniform series of text-books shall be compiled and adopted by the State Board of Education for use in the common schools throughout the State; and

WHEREAS, Subdivision 4, of Section 1663, of the Political Code and the last sentence of Subdivision 5, of Section 1771, of the Political Code seem to be at variance with the plain intendment and requirement of the Constitution in that respect; and

WHEREAS, The only provisions for the course of study in high schools and restriction upon change of text-books therein are embodied in Section 1750 of the Political Code, which said section seems to facilitate rather than prevent frequent changes in high school text-books; and

WHEREAS, There appears to be no provision in the law for uniformity in text-books for use in high schools of the various counties and cities and counties of the State; and

WHEREAS, Many citizens of the State are complaining of the frequent and needless changes within each of many counties, and lack of uniformity throughout the State in the text-books required to be used in the common schools and in the high schools of the State; and

WHEREAS, Such condition imposes a needless and serious burden upon many families in the State; therefore, be it

Resolved by the Senate, That the President of the Senate is hereby authorized and directed to appoint a special committee of five members whose duty it shall be to investigate both the law and the fact with reference to changes and lack of uniformity in the common school and the high school text-books provided to be used under the Constitution and laws of this State in the various counties and cities and counties of the State; and be it further

Resolved, That said committee, after making such investigation, report to the Senate upon the law and fact of the subject-matter of the preceding resolution; and also prepare and report such bill or bills as may be necessary to carry into effect the prevention of frequent and needless changes and lack of uniformity in school text-books in this State; and be it further

Resolved, That said committee investigate and report to the Senate upon the advisability of amending Section 7, of Article IX, of the Constitution so as to provide for the compiling, printing, and adoption of a uniform series of school text-books for use in the common schools, to be furnished and distributed by the State free of any charge for the use of all pupils attending such common schools; and be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee a sergeant-at-arms, and such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

Have had the same under consideration and respectfully report the same back and recommend the adoption of the following:

Resolved by the Senate, That the President of the Senate be and he is hereby authorized and directed to appoint a special committee of five members (who shall be members of the Senate Committee on Education), whose duty it shall be to investigate both the law and the fact with reference to the cost (including printing and royalties), method of selection, adoption and distribution, changes and lack of uniformity in the text-books used in the common schools and lack of uniformity and frequent changes in high school text-books provided or required to be used by the

Constitution and laws of this State in the various counties and cities and counties of the State; and be it further

Resolved, That the said committee after making such investigation report to the Senate upon the law and fact of the subject matter of the preceding resolution, and also prepare and report such bill or bills as may be necessary to carry out the prevention of frequent and needless changes and lack of uniformity in school text books in this State; and be it further

Resolved, That said committee investigate and report to the Senate upon the advisability of amending Section 7, of Article IX, of the Constitution so as to provide for the compiling, printing, and adoption of a uniform series of school textbooks for use in the common schools, to be furnished and distributed by the State free of any charge for the use of all pupils attending such common schools; and be it further

Resolved, That said committee shall have power to subpoena witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved, That the Secretary of the Senate is hereby requested to assign for duty to such committee a Sergeant-at-Arms, and such stenographers and clerical assistance now in the service of the Senate as may be necessary in such investigation.

STROBRIDGE, Chairman.

SPECIAL ORDER SET.

Senator Strobridge moved that the report of Standing Committee on Education on the resolution offered by Senator Shanahan be printed in the Journal, and that its consideration be made a special order for Monday, January 23, 1911, immediately after the reading of the Journal.
Motion carried.

REPORTS OF STANDING COMMITTEES — (REST MED)

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California, entitled "An Act to authorize the incorporation of tidal sanitary associations," approved April 18, 1859.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be referred to Committee on Judiciary.

REGAN, Chairman.

Senate Bills Nos. 190 and 191 ordered referred to Committee on Judiciary.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 163—An Act prohibiting the issuance of payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same—has had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

LARKINS, Chairman.

Senate Bill No. 163 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 223—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation—has had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

LARKINS, Chairman.

Senate Bill No. 223 ordered on file for second reading.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Governor was taken up:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, January 20, 1911.

To the Legislature of the State of California:

I call to your attention, so that you may apply the proper remedy for correction, the expedient by which, just prior to the commencement of your labors and mine, the public service of the State was appropriated.

December 1, 1910, the Superintendent of Banks of the State, upon a resignation which, apparently from the incomplete records, had been presented July 1, 1910, was reappointed, not for the remainder of his term, but for the "term prescribed by law," presumably four years from December 1, 1910.

The Commissioner of the Bureau of Labor, whose term after four years' service would have expired July 1, 1911, resigned on January 2, 1911, and thereupon a new Commissioner was appointed by the Governor for a period of four years from January 2, 1911.

The terms of the two Building and Loan Commissioners who had served for a period of four years, would have expired January 7, 1911. On January 2, 1911, the two Commissioners, Al Lindley and Jacob Transue, resigned. Thereupon, in the place of Mr. Lindley, resigned, Mr. Transue was appointed for four years from January 2, 1911, and Mr. Curry was appointed in the place of Mr. Transue for four years from January 2, 1911.

By this simple short cut, these four important offices were appropriated in the last hours of my predecessor.

This sort of practice I believe to be detrimental to the public service, and beyond that, I believe it is beneath the dignity of the office of Governor to permit that office to be used for such purposes in the closing hours of the term of any incumbent.

I ask you, therefore, for such an Act as will prevent, in the future, any such appropriation of the public service, and as will render it impossible for any Governor hereafter, by the simple expedient of having his appointees resign, to continue those appointees in office during the term of his successor.

I am told that in former administrations, appointments have been made in the last hours of the incumbent Governor, but in every instance these appointments were made where vacancies existed or terms had expired. The method recently adopted, of resignations, and thus lengthening terms, has just been employed for the first time.

It is my wish that such Act as you provide shall be operative upon the present incumbent of the office of Governor, and inasmuch as the inhibition will first be operative upon the present Governor, it ought to be apparent that our design is one solely for the benefit of the public service.

Respectfully submitted.

HIRAM W. JOHNSON, Governor.

Message read, and ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 12—An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records—has had the same under consideration, and respectfully report the same back and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 12 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16th, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Also: Senate Constitutional Amendment No. 8. A resolution to propose to the

people of the State of California an amendment to section one of article two of the Constitution in relation to the rights of suffrage.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bill No. 375 ordered on file for second reading.

Senate Constitutional Amendment No. 8 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California relating to the incorporation of religious, social and benevolent corporations and other corporations not organized for pecuniary profit.

Also, Senate Bill No. 273—An Act to amend Section 596 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Also, Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and universities of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Also: Senate Bill No. 79—An Act to amend Section 4306 of the Political Code of the State of California, relating to the county clerk's fees.

Also: Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 272, 273, 274, 275, 79, and 351 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced:

By Senator Estudillo: Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Education (by request): Senate Bill No. 463—An Act to amend Chapter III of Title III, Part III, of the Political Code, relating to the public schools.

Bill read first time, and referred to Committee on Education.

By Senator Burnett: Senate Bill No. 464—An Act creating and establishing a public service commission of the State of California, defining its powers and duties, and the powers and duties of persons and corporations engaged in certain public service business.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 465—An Act to amend the Civil Code by adding to Part IV, of division first, of the Civil Code, a new title, to be numbered XXIII, relating to corporations engaged in the public service business.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 466—An Act relating to the acquisition, construction, and operation of public utilities by municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 467—An Act to validate municipal bonds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section nineteen, of article eleven, of the Constitution, relating to grants of corporate franchises by municipal corporations.

Constitutional amendment referred to Committee on Judiciary.

By Senator Tyrrell: Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Juilliard: Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wolfe: Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

Concurrent resolution referred to Committee on Municipal Corporations.

By Senator Gates: Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new title XV of Part IV, division third, of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 474—An Act to amend sections four hundred and forty-seven and four hundred and forty eight of the Code of Civil Procedure, relating to verification of pleadings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials.

Constitutional amendment referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

Bill read first time, and referred to Committee on Fish and Game.

By Senator Campbell: Senate Bill No. 476—An Act authorizing certain suits against the State, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry: Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Bill No. 479—An Act to amend Section 626 of the Penal Code of California, relating to the protection of deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Cutten: Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Cutten, the Secretary was directed to issue a rush order for printing Senate Bill No. 480.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Cutton: Senate Bill No. 481—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 482—An Act to amend Sections 953a and 953c of the Code of Civil Procedure of California, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 484—An Act to amend Section 1818 of the Political Code of the State of California, relating to county school taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 485—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 486—An Act to amend Section 1840 of the Political Code of the State of California, relating to district school taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 487—An Act to amend Section 3650 of the Political Code of the State of California, relating to the assessment of property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 488—An Act to add a new section to the Political Code, to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 491—An Act to amend Section 4049a of the Political Code of the State of California, relating to the additional powers and duties of the board of supervisors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therefore for that purpose on the 8th day of December, 1910.

Also: Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367, constituting the duty of the driver and persons in charge of an automobile, motor car or other motor vehicle, when the same collides with a person or a vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Also: Senate Bill No. 32—An Act in relation to punishing, to detain and prohibit the same, to provide for punishment thereof, for the competency of certain evidence at the trial thereof.

Also: Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds.

Also: Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

Also: Senate Bill No. 14—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Also: Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3d, 1909.

Also: Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Also: Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Also: Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed or loaned by such associations and prescribing a penalty therefor.

Also: Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Also: Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Also: Senate Bill No. 162—To ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Also: Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial thereof.

Also: Senate Bill No. 48—An Act to amend Section 737 of the Political Code relating to the salary of superior judges.

And report that the same have been correctly engrossed.

AVEY, Chairman.

Senate Bills Nos. 263, 10, 32, 102, 44, 235, 247, 256, 302, 291, 161, 162, 134, 34 and 48 ordered on file for third reading.

Senate Concurrent Resolution No. 5 and Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(REST' MED.).

By Senator Boynton: Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Bill read first time, and referred to Committee on Judiciary.

By Senate Committee on Rules: Senate Concurrent Resolution No. 8—Relative to the joint rules of the Senate and Assembly of the Legislature of the State of California for the thirty-ninth session of said Legislature.

Concurrent resolution referred to Committee on Rules.

By Senator Caminetti: Senate Bill No. 495—An Act in relation to the establishment and maintenance by railroad companies of stations and agents, in certain places on the lines of such companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 496—An Act to divide the State of California into fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors, have had the same under consideration, and respectfully report the same back with one amendment and recommend that the same do not pass.

STETSON, Chairman.

Senate Bill No. 257 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Cutten, Estudillo, Gates, Hans, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

On motion of Senator Stetson, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Senator Caminetti asked for and was granted unanimous consent that Senate Constitutional Amendment No. 6 be temporarily passed on file, to retain its place.

Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or a vehicle containing a person, and prescribing a penalty for failure to perform such duty.

On motion of Senator Campbell, Senate Bill No. 10 was temporarily passed on file, to retain its place.

Senate Bill No. 34—An Act in relation to pimping; to define and

prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code relating to the salary of superior judges.

On motion of Senator Estudillo, Senate Bill No. 48 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3rd, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cullen, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 256 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Gates, Hans, Hewitt, Higgins, Hoge, Jalliff, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—20.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

On motion of Senator Hans, Senate Bill No. 110 was temporarily passed on file, to retain its place.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

On motion of Senator Boynton, Senate Bill No. 221 was temporarily passed on file, to retain its place.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

On motion of Senator Roseberry, Senate Bill No. 301 was temporarily passed on file, to retain its place.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Senators Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Gates, Hans, Hare, Hewitt, Holahan, Jalliff, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Tyrnell, Walker, Welch, and Wolfe—25.

NOES—Senators Bell, Larkins, Roseberry, and Wright—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cullen, Gates, Haas, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

On motion of Senator Stetson, Senate Bill No. 302 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 17 adopted by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Gates, Haas, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.
 NOES—None.

Senate Constitutional Amendment No. 17 ordered transmitted to the Assembly.

Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

Senate joint resolution read.

During the reading of the joint resolution, the following amendments were submitted by committee:

On page 2, line 17, strike out the word "of," and insert in lieu thereof the word "from."

Amendment adopted.

Also:

On page 2, line 27, strike out the word "the" after the words "California for."

Amendment adopted.

Also:

On page 2, line 27, strike out the words "of a park."

Amendment adopted.

Also:

On page 2, between lines 37 and 38 insert a new sentence to read as follows:
Be it further resolved That the State is a California and except territory from the Government of the United States of all of the land within the United States in township nine south range three west and in township nine north range four west, Mount Diablo base and containing in the State of California and will hold the same as a part of the California Reclaiming Park.

Amendment adopted.

Senate Joint Resolution No. 3 ordered to print and engrossment.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Senate joint resolution read.

During the reading of the joint resolution, the following amendments were submitted by committee:

On page 2, Section 2, line 3, after the words "of said" insert the word "year"; also on page 2, same section, line 4, insert after the word "and" the word "or."

Amendment adopted.

Senate Joint Resolution No. 1 ordered to print and engrossment.

Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Senate joint resolution read.

During the reading of the joint resolution, the following amendments were submitted by committee:

On page 1, line 3, strike out the letters in capitals "Q. O. P. O." and insert in lieu thereof "1909."

Amendment adopted.

Also:

On page 1, line 10, strike out the semicolon and insert in lieu thereof a period; strike out all of the remainder of line 10 after said semicolon and all of lines 11, 12, 13 and 14, and insert in lieu thereof the following: "Now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby approves and ratifies the foregoing proposed amendment to the Federal Constitution, the same being the eighty-sixth amendment to the Constitution of the United States and said proposed constitutional amendment is hereby approved and ratified."

Amendment adopted.

Senate Joint Resolution No. 2 ordered to print and engrossment.

WITHDRAWAL OF SENATE JOINT RESOLUTION.

Senator Burnett asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 5, relative to Panama-Pacific Exposition.

Senate Joint Resolution No. 5 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILL.—RESUMED.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Martinelli as a special committee of one, to amend as follows:

By striking out of Section 1, lines 1 and 2, the words "said act," and inserting in lieu thereof the following: "The Civil Code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 134, with instructions to amend, respectfully reports the same back, amended as per instruction.

MARTINELLI, Chairman.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

SECOND READING OF BILLS.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

On motion of Senator Juilliard, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

During second reading of bill, the following amendment was offered by Senator Stetson:

Strike out of section 1, lines 12 and 14, the figures "40,000," and insert in lieu thereof the following: "23,000."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

On motion of Senator Lewis, Senate Bill No. 277 was temporarily passed on file, to retain its place.

Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

On motion of Senator Lewis, Senate Bill No. 278 was temporarily passed on file, to retain its place.

TIME FOR RECESS EXTENDED

At twelve o'clock and twenty five minutes P. M., on motion of Senator Boynton, the hour of recess was extended thirty five minutes.

SECOND READING OF BILLS—RESUMED

Senate Bill No. 7—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at foreign and domestic fairs and expositions, and to provide for a commissioner thereof, and prescribing his powers and duties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

During the second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, line 1 of printed bill, strike out the word "ten" and insert in lieu thereof the word "thirty."

Amendment adopted.

Also:

On page 1, Section 2, line 5 of the printed bill, strike out the word "next."

Amendment adopted.

Also:

On page 1, Section 2, line 6 of printed bill, after the word "election" and before the comma insert "to be held in November, 1912."

Amendment adopted.

Also:

On page 1 of printed bill strike out all of Section 4.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees," approved April 12, 1909.

During second reading of bill, the following amendments were submitted by committee:

In line 2 of the title, after the word "amend," insert the words "section thirty-three of."

Amendment adopted.

Also:

In line 9 of the title of printed bill, strike out the "period" following the word "trustees" and insert in lieu thereof a comma, and also insert quotation marks.

Amendment adopted.

Also:

In line 8, Section 1, page 1, of printed bill, strike out the "dash" after the word "approved," and insert in lieu thereof "April 12."

Amendment adopted.

Also:

Strike out all of Section 2, page 2 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 237—An Act to add a new section to the Political Code, to be numbered 4041b, relating to state conventions of boards of supervisors.

During second reading of bill, the following amendments were submitted by committee.

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section" first appearing in said line.

Amendment adopted.

Also:

In line 4, Section 1 of the printed bill, after the word "thereof," insert the word "who."

Amendment adopted.

Also:

In Section 1, line 12 of the printed bill, strike out the period after the word "fund" and add the following: "in the same manner that claims against the county are allowed and paid."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital and to make appropriation for the same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 48—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators and guardians.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 83—An Act to amend Section 4780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

During second reading of the bill, the following amendment was submitted by committee:

On page 2 add a new section thereto, as follows: "Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

MOTION.

Senator Hurd moved that Senate Bill No. 7 be recalled from engrossment, and referred to Committee on Finance.

Motion carried.

RESOLUTION—OUT OF ORDER

The following resolution was offered:

By Senator Roseberry:

Resolved, That the following named persons be allowed the sums set opposite their respective names for services rendered the Senate prior to its organization, the same being payable out of the Contingent Fund of the Senate:

Willie Saunders, 10 days at \$2.50	\$25.00
Wallace Straut, 1 day at \$3.00	3.00

And that the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing named persons for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER

By Senator Wright: Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half relating to the redemption of property sold for taxes.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 498—An Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

Bill read first time, and referred to Committee on Irrigation.

By Senator Holohan: Senate Bill No. 499—An Act to repeal an Act entitled "An Act to create the office of State Dental Surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office," approved April 16, 1909.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Caminetti: Senate Bill No. 500—An Act to establish and maintain the Mother Lode Polytechnic School of California; to provide for its government, to define the powers and duties of the trustees thereof, and make an appropriation therefor.

Bill read first time, and referred to Committee on Education.

ADJOURNMENT.

At one o'clock and five minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Monday, January 23, 1911, at eleven o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,

Monday, January 23, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by Rev. Father John H. Ellis of Sacramento.

LEAVES OF ABSENCE.

Senator Martinelli was, on motion of Senator Juilliard, granted leave of absence for this day.

Senator Beban was, on motion of Senator Regan, granted leave of absence for this day.

Senator Wright was, on motion of Senator Gates, granted leave of absence for this day.

Senator Caminetti was, on motion of Senator Campbell, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 20, 1911, the further reading was dispensed with, on motion of Senator Hurd.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of standing Committee on Education on the resolution offered by Senator Shanahan, the same was taken up for consideration and read.

MOTION.

Senator Shanahan moved the adoption of the report as read.
Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

The President of the Senate announced that in accordance with the following resolution:

Resolved by the Senate. That the President of the Senate be and he is hereby authorized and directed to appoint a Special committee of two members (who shall be members of the Senate Committee on Education), whose duty it shall be to investigate both the law and the fact with reference to the cost (including printing and royalties), method of selection, adoption and distribution, changes and lack of uniformity in the text-books used in the common schools and lack of uniformity and frequent changes in high school text-books considered or proposed to be used in the Constitution and laws of this State in the various counties and cities and counties of the State; and be it further

Resolved. That the said committee, after making such investigation, report to the Senate upon the law and fact of the subject matter of the preceding resolution, and also prepare and report such bill or bills as may be necessary in order to effect the prevention of frequent and needless changes and lack of uniformity in school text-books in this State; and be it further

Resolved. That the said committee investigate and report to the Senate upon the advisability of amending Section 7, of Article IX, of the Constitution so as to provide for the compiling, printing, and adoption of a uniform series of school text-books for use in the common schools, to be purchased and distributed to the State free of any charge, for the use of all pupils attending such common schools; and be it further

Resolved. That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary, and be it further

Resolved. That the Secretary of the Senate is hereby instructed to assign for duty to such committee a Sergeant at Arms, and such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

— he had appointed Senators Strobridge, Shanahan, Black, Thompson and Avey under the provisions of the resolution.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 3—An Act to repeal an Act entitled, "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907.

Also: Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 3 ordered to enrollment.

Assembly Bill No. 29 read first time, and ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7:

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly

meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 13th, for the purpose of appropriately observing the birthday of Abraham Lincoln; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expenses not exceeding two hundred (\$200) dollars incurred to be paid equally by the Assembly and Senate out of their contingent funds.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 7 ordered referred to Committee on Rules.

MOTION.

Senator Stetson moved that Senate Concurrent Resolution No. 5 be recalled from the Assembly, and re-referred to the Committee on Engrossment and Enrollment.

Motion duly seconded and carried.

Senate Concurrent Resolution No. 5 ordered re-referred to Committee on Engrossment and Enrollment.

APPOINTMENTS BY THE PRESIDENT.

The President asked for, and was granted unanimous consent, to make the following changes in the standing committees:

Senator Bryant on Committee on Labor, Capital, and Immigration, vice Senator Boynton, resigned.

Change made on request of Senator Boynton.

Senator Black on Committee on Irrigation, vice Senator Bryant resigned.

Change made on request of Senator Bryant.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Also, Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators, and guardians.

Also, Senate Bill No. 18—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Also, Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Also, Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 426, 76, 18, 244, and 297 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, JUNE 27, 1911.

MR. PRESIDENT: Your Committee on Engineering and Irrigation have examined Senate Bill No. 215—An Act to amend an Act passed in 1904, An Act to provide for the classification of municipal corporations, approved March 2, 1904.

Also, Senate Bill No. 268—An Act to amend Section Four Hundred and Eighty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Also, Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of necessary discharges.

Also, Senate Bill No. 110—An Act to authorize the borrowing of money of California, to create seven districts within the State, to provide a system of water bonds for the construction of sewers therein, and to provide for the payment of said bonds.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 215, 268, 301, and 110 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Burnett: Senate Joint Resolution No. 7—Relative to Panama-Pacific International Exposition.

SUSPENSION OF RULES.

Senator Burnett moved that the rules be suspended, and Senate Joint Resolution No. 7 be on file, without print or reference to committee.

Motion duly seconded.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION. OUT OF ORDER.

Senator Burnett moved that Senate Joint Resolution No. 7 be taken up for consideration.

SENATE JOINT RESOLUTION No. 7.

Relative to Panama-Pacific International Exposition.

WHEREAS, An international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama Canal; and

WHEREAS, There has been pledged by the State of California, the city of San Francisco and by the citizens of this State and residents of that city the sum of seventeen and one-half millions dollars to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for said exposition; and

WHEREAS, The State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto, if necessary, without the necessity of Federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; be it therefore

Resolved by the Senate and Assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the Congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition, we do hereby agree that in the event that Congress shall cause such invitation to be extended, the Government of the United States will never be asked to assume any liability on account of said exposition or to appropriate any sum of money whatsoever in aid of the same, and to these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith

transmitted by wire to our Senators and Representatives, with the request that the same be immediately brought to the attention of Congress.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Avev. Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—33.

NOES—None.

Senate Joint Resolution No. 7 considered engrossed, and ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Gates: Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment, liens, and the time when such liens begin and expire.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 367*c*.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 503—An Act to amend sections ten, ten *a*, ten *b*, ten *c*, ten *d*, ten *e*, ten *i*, ten *j*, ten *k*, ten *l*, ten *m*, ten *n*, and ten *z* of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 504—An Act to amend Section 4052*b* of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Larkins: Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 506—An Act to add a new section to the Civil Code of California to be numbered 405*l*, relating to fixing and determining proper persons on whom process issued by authority of law from any justice's or police court may be served on any corporation either foreign or domestic, doing business in more than one county in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 508—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Bill read first time, and referred to the Committee on Commerce and Navigation.

Also: Senate Bill No. 509—An Act to amend the Code of Civil Procedure by adding thereto a new article to be designated and numbered Article VII, of Chapter III, of Title III, of Part IV of said Code, to consist of Sections 2055, 2056, 2057, 2058, 2059, 2060, 2060a, 2060b, and 2060c relating to interrogatories to parties to actions and special proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 510—An Act to establish police courts in cities of the first and one-half class, to fix the jurisdiction of said courts and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts, and to fix the compensation of certain officers thereof, and to repeal an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," which became a law under the provisions of the Constitution of the State of California without the Governor's approval on the 5th day of March, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 511—An Act to amend Section 2714 of the Political Code, relating to the construction, repair, and maintenance of bridges.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and repealing an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909, and an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and the amendments thereto.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lewis: Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engines, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 515—An Act to provide for the erection of a female convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 517—An Act to provide for the furnishing of a female convalescent cottage at the Stockton State Hospital farm, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 519—An Act to provide for the installation of a power plant at the Stockton State Hospital, including engine, generators, piping, pumps, switchboard, arc regulators, and for the expense incurred in the removal of old boilers, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Boynton: Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis, for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill read first time, and referred to Committee on Finance.

Also; Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also; Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water, and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also; Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also; Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also; Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Regan: Senate Bill No. 527—An Act to amend chapter one of title fifth of part three of the Political Code, providing for the care of insane, feeble minded, and other incompetent persons, the management of state hospitals, and establishing a board of lunacy commissioners.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Birdsall: Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section, to be numbered six hundred and twenty-six *p*, relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

Bill read first time, and referred to Committee on Fish and Game.

Also; Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Bill read first time, and referred to Committee on Fish and Game.

Also; Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section, to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shotguns or pump guns.

Bill read first time, and referred to Committee on Fish and Game.

Also; Senate Joint Resolution No. 8—Relative to national forest situated within the State of California, and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Holoan: Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Juilliard: Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hurd: Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Thompson: Senate Bill No. 534—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 535—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 492f, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 538—An Act to amend Section 634 of the Penal Code, relating to the taking of salmon, shad, and striped bass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 539—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing

Bill read first time, and referred to Committee on Printing

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read

ON ENCROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, JANUARY 22, 1911.

MR. PRESIDENT: Your Committee on Encrossment and Enrollment have considered the following

Senate Bill No. 221—An Act to regulate the safety of crossings and crossings upon railroads by compelling common carriers to protect or properly fence their trains

Also: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain

And report that the same have been extensively discussed

CASSIDY, Chairman

Senate Bill No. 221 ordered on file for third reading

Senate Constitutional Amendment No. 17 ordered transmitted to the Assembly

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Gates: Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto, to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Bill read first time, and referred to Committee on Judiciary

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

SPECIAL ORDER SET.

Senator Sanford moved that the consideration of Senate Bill No. 162 be made a special order for Tuesday, January 24, 1911, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending section two of Article IV thereof, relating to sessions of the Legislature.

Senate Constitutional Amendment No. 6 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section

367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle, or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

On motion of Senator Estudillo, Senate Bill No. 48 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

On motion of Senator Boynton, Senate Bill No. 221 was temporarily passed on file, to retain its place.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

On motion of Senator Stetson, Senate Bill No. 302 was temporarily passed on file, to retain its place.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

RECESS

At two o'clock P. M., on motion of Senator Campbell, the President declared the Senate at recess until two o'clock and ten minutes P. M.

RECONVENED

At two o'clock and ten minutes P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED.)

Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers thereon, and to provide for the payment of said bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutten, Fife, Gates, Hans, Hare, Hewitt, Jernstedt, Larkins, Lewis, Regan, Roseberry, Sanford, Shananhan, Strobbridge, Thompson, Walker, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

On motion of Senator Roseberry, Senate Bill No. 301 was temporarily passed on file, to retain its place.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Senate Bill No. 215 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

On motion of Senator Strobbridge, Senate Bill No. 268 was temporarily passed on file, to retain its place.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutten, Estradillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shananhan, Strobbridge, Thompson, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cotten, Estudillo, Finn, Gates, Hare, Hewitt, Holo-han, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

On motion of Senator Burnett, Senate Bill No. 244 was temporarily passed on file, to retain its place.

Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators, and guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 76 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cotten, Estudillo, Finn, Gates, Hare, Hewitt, Holo-han, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 297 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cotten, Estudillo, Finn, Gates, Hare, Hewitt, Holo-han, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the rights of suffrage.

On motion of Senator Bell, Senate Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to

the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury, by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Also: Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Also: Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Joint Resolutions Nos. 1, 2, and 3 ordered on file.

THIRD READING OF SENATE BILLS — (RESUMED).

SENATE JOINT RESOLUTION No. 3

Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

WHEREAS, The State of California, at the cost of two hundred and fifty thousand (\$250,000) dollars, purchased what is now known as the California Redwood Park, containing 3,800 acres of land in what is known as the Big Basin, situate in the counties of Santa Cruz and San Mateo, State of California, upon which are growing trees of a species known as *Sequoia sempervirens*, for the purpose of preserving a body of such trees from destruction and perpetuating them in their primal state;

WHEREAS, The State of California has amply provided for the care and protection of such park, and has placed the same under the control of the California Redwood Park Commission;

WHEREAS, In the vicinity of such park, and within the area known as Big Basin, there are public lands of the United States which if annexed thereto would greatly add to the value of said park and enhance the benefits to accrue therefrom to the people, and also materially decrease the danger from fire within the territory contained within the said Big Basin;

WHEREAS, Said public lands have been withdrawn from entry and sale by the Department of the Interior, pending action by the State of California and the Congress of the United States; therefore, be it

Resolved by the Senate and Assembly jointly, That the Legislature of the State of California memorializes the Congress of the United States to cede such public lands so situated as aforesaid, in said Big Basin, to the State of California, for use as part of the existing California Redwood Park; be it further

Resolved, That the Secretary of the Interior be requested to continue to withhold from public entry or sale such public lands until the consideration by the Congress of the United States of this memorial; be it further

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the withholding from public entry or sale of said lands and the passage of a measure providing for the cession thereof to the State of California for the purpose aforesaid; be it further

Resolved, That the State of California will accept transfer from the Government

of the United States of all of the lands owned by the United States in township nine south, range three west, and in township nine south, range four west, Mount Diablo base and meridian, in the State of California, and will hold the same as a part of the California Redwood Park; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture, the respective houses of Congress, and to each of our Senators in Congress now in office, and to those who will assume office on March 4, 1911.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Senate Joint Resolution No. 3 ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION NO. 1.

Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

WHEREAS, The Legislatures of twenty-seven states have recently at various times adopted memorials and resolutions favoring the election of United States Senators by popular vote; and

WHEREAS, The national House of Representatives has on four separate occasions within recent years, adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were rejected by the Senate; and

WHEREAS, Article five of the Constitution of the United States provides that Congress, on the application of the Legislatures of two thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States Senators should be elected by a direct vote of the people; therefore, be it

Resolved, That the Legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote, and joins with the other states of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in article five of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each state by a direct vote of the people, and the request of and consent to the calling and holding of such convention, as hereby made and given, is limited to the consideration and adoption of such amendment to said Constitution as herein mentioned and no other.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the Secretary of State of each state of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—34.

NOES—None.

Senate Joint Resolution No. 1 ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 2

Ratifying and approving the proposed amendment to the Constitution of the United States hereby proposed.

WHEREAS, The sixty-first Congress of the United States, in Session, at the first session begun and held in the City of Washington on Monday the 10th day of March, 1909, proposed an amendment to the Constitution of the United States, the terms and figures as follows:

ARTICLE XVI.

Congress shall have power to lay and collect taxes on income from whatever source derived without apportionment among the several States, and without regard to census or enumeration; now, therefore, be it

Resolved by the Senate and Assembly jointly, That the Legislature of the State of California, hereby approves and ratifies the foregoing proposed amendment to the Federal Constitution, the same being the amendment heretofore proposed to the Congress of the United States, and said proposed constitutional amendments be hereby approved and ratified.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators: Ayer, Bell, Bills, Bissell, Black, Burton, Bryant, Bryant, Caminetti, Campbell, Cartwright, Cossady, Cullen, Estabille, Gates, Hunt, Hewitt, Holahan, Hurd, Judahard, Larkins, Lewis, Rogers, Rosenthal, Ross, Samuel, Shuman, Strobridge, Thompson, Turrell, Walker, Wolfe, and Wolfe—23.

NOES—None.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 7 Relative to Panama-Pacific International Exposition.

WHEREAS, An international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama Canal; and

WHEREAS, There has been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of seventeen and one-half millions dollars to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for said exposition; and

WHEREAS, The State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to produce the same or add thereto, if necessary, without the necessity of Federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; be it therefore

Resolved by the Senate and Assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the Congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition, and we do hereby agree that in the event that Congress shall cause such invitation to be extended, the Government of the United States will never be asked to assume any liability on account of said exposition or to appropriate any sum of money whatsoever in aid of the same, and to these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith transmitted by wire to our Senators and Representatives, with the request that the same be immediately brought to the attention of Congress.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 7 ordered to enrollment.

SECOND READING OF BILLS.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

On motion of Senator Juilliard, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 114—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

During second reading of the bill, the following amendment was offered by Senator Walker:

Amend Section 2 by striking out the words, "This Act shall take effect from and after its passage," and inserting in lieu thereof the following: "This Act shall take effect and be in force fifteen days after its passage."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, after the word "payable" insert the following: "upon demand."

Amendment adopted.

Also:

On page 1, Section 2, line 4, strike out the figures "(\$500.00)."

Amendment adopted.

Also:

On page 1, Section 2, line 5, strike out the figure "(6)."

Amendment adopted.

Also:

On page 1, title, line 4, after the word "firm" insert the following: "or."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 223—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

On motion of Senator Rush, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 12—An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records.

WITHDRAWAL OF BILL

Senator Cassidy asked for and was granted unanimous consent to withdraw Senate Bill No. 12—An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records.

Senate Bill No. 12 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read second time, ordered engrossed, and on file for third reading.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, JANUARY 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 132—An Act to increase the number of judges of the Superior Court in the county of Inyo, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 237—An Act to add a new section to the Political Code to be numbered 4041½, relating to state conventions of boards of supervisors.

Also: Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Also: Senate Bill No. 289—An Act to amend section thirty-three of an Act entitled "An Act to allow unincorporated towns and villages to establish, repair, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909.

Also: Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 132, 237, 83, 289, 26, and 134 ordered on file for third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social, and benevolent corporations and other corporations not organized for pecuniary profit.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, strike out the word "thirty," and insert in lieu thereof the following: "Thirty-one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the word "provided," and insert in lieu thereof the following: "provide."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 14, strike out the word "thirty," and insert in lieu thereof the following: "thirty-one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

During the second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 25, strike out the word "thirty," and insert in lieu thereof the following: "thirty-one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 49, insert the following: "For issuing marriage license, one half to be paid to the county recorder, two dollars."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Senate Bill 351 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Senate Bill No. 257 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody and maintenance until twenty-one years of age; providing

for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

During the second reading of bill the following amendments were submitted by committee:

On page 1, amend the title by adding after the first two words thereof the following: "Sec. 1 of."

Also: By striking out the words "by adding to Section 1" and all following in the title, and inserting in lieu thereof the following: "Deleting the words 'dependent child'."

Amendments adopted

Also:

On page 2, Section 1, line 14, strike out all following the word "dependent," inserting all of lines 15, 16, and 17, and insert in lieu thereof the following:

"To read as follows:

"SECTION 1. This Act shall be known as the Juvenile Court Law, and shall apply only to children under the age of eighteen years who are in the custody of a state institution.

"For the purposes of this Act, the words 'dependent child' shall mean any child under the age of eighteen years:

"(1) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale; or

"(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

"(3) Who is a vagrant; or

"(4) Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

"(5) Who has no parent or guardian, or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

"(6) Who is destitute; or

"(7) Whose home by reason of neglect, cruelty or depravity of his parents, or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such child; or

"(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

"(9) Who is found living or being in any house of prostitution or dissipation; or

"(10) Who habitually visits, without parent or guardian, any school, penitentiary or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

"(11) Who persistently refuses to obey the reasonable and proper order or directions of his parents or guardian; or

"(12) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said minor; or

"(13) Whose father is dead, or has abandoned his family, or is an habitual drunkard, or whose father does not provide for such minor, and it appears that such minor is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle and dissolute or immoral life; or where both parents of such child are dead, or the mother, if living, is unable to provide proper support and care of such minor child; or

"(14) Who is an habitual truant within the meaning of an Act entitled 'An Act to enforce the educational rights of children, and providing penalties for the violation of said Act,' approved March 24, 1903, and who is not placed in a parental school under the provisions of said Act, or who being over the age of fourteen years refuses to attend public or private school, as directed by his parents, duly authorized guardian, or legal custodian; or

"(15) Who habitually uses intoxicating liquor as a beverage, or habitually smokes cigarettes, or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician.

"The words 'delinquent child' shall include any child under the age of eighteen years who violates any law of this State, or any ordinance of any town, city, county, or city and county of this State, defining crime."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

During second reading of bill, the following amendments were submitted by committee;

On page 1, after the enacting clause, and at the commencement of the paragraph following, insert the following: "Section 1."

Amendment adopted.

Also:

On page 1, line 1, strike out the words "by the," all of line 2, and the words "division 4 thereof, and".

Amendment adopted.

Also:

On page 1, strike out all of lines 4 and 5, and insert in lieu thereof the following: "SEC. 682. Every public offense must be prosecuted by indictment or information, except:

"1. Where proceedings are had for the removal of civil officers of the State.

"2. Offenses arising in the militia when in actual service, and in the land and naval forces in time of war, or which the State may keep, with the consent of Congress, in time of peace.

"3. Offenses tried in justices' and police courts

"4. All misdemeanors of which jurisdiction has been conferred upon superior courts sitting as juvenile courts."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 193—An Act to repeal section four thousand and forty-nine *a* of the Political Code of California, relating to the annual statistical report prepared and published by boards of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HEWITT, Chairman.

Senate Bill No. 193 ordered on file for second reading.

Also:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 480 ordered on file for second reading.

RESOLUTION.

The following resolution was offered by Senator Cullen:

Resolved, That Senate Bill No. 480 presents a case of urgency, in that same is used in Section 15 of Article IV of the Constitution, and the suspension of that section requiring that the bill shall be read on three several days or such longer as hereby dispensed with, and it is ordered that said bill be read twice, the second and third times and placed upon its passage.

Resolution read.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Black, Bryson, Bryant, Campbell, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hays, Hewitt, Hinkle, Hunt, Jalliard, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, removing and improving the Governor's residence.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 480 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Bryant, Campbell, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hays, Hewitt, Hinkle, Hunt, Jalliard, Lewis, Regan, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—OUT OF ORDER.

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Larkins moved to refer to Senator Hewitt as a special committee of one, to amend as follows:

By striking out of Section 2 of Senate Bill No. 132, line 1, the word "passage", and inserting in lieu thereof the following: "taking effect".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT, Your special committee of one, to whom was referred Senate Bill No. 132, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—COURT OF ORDER.

By Senator Bills: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule, or ass is affected with glanders; and providing for penalties for violations of this Act.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin, for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 547—An Act to provide for the extermination of glanders in horses, mules and asses; to provide for the levy and collection

in every county in this State for an annual tax on each horse, mule and ass for the purpose of indemnifying owners of horses, mules and asses destroyed by the State Veterinarian, his assistant or deputy of such horses, mules and asses as may be by such officers determined to be affected with glanders, creating a fund to be known as the "Glanders Indemnity Fund," authorizing the State Veterinarian to employ deputies and incur expenses to be paid out of such fund, providing a method of indemnification of owners of such destroyed animals, and providing for duties of the State Veterinarian, his assistant or deputy in relation to glanders.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty third and sixty fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies, providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases; to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as amended March 23, 1907, and as further amended March 19, 1909, by amending section two thereof as amended March 23, 1907, and as further amended March 19, 1909; section three thereof, and section six thereof as amended March 19, 1909, and section seven and a half thereof, and by repealing section four thereof and section five thereof, all relating to the duties of the State Veterinarian, his assistant and deputy, and providing for the employment of a stenographer and fixing the compensation thereof, and providing for the appointment of additional deputies.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Stetson: Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 551—An Act to amend section six hundred and fifty of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gates: Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music, and advertising purposes.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 553—An Act to amend section one of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their

duties, and providing for their compensation, and repealing an Act entitled "An Act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883, approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section, to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Senator Hurd, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 24, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Beban was, on motion of Senator Cassidy, granted leave of absence for this day.

Senator Wright was, on motion of Senator Gates, granted leave of absence for this day.

Senator Caminetti was, on motion of Senator Campbell, granted leave of absence for the forenoon of this day.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 23, 1911, the further reading was dispensed with, on motion of Senator Strobbridge.

SPECIAL ORDER POSTPONED.

Senator Sanford moved that the special order heretofore set for Tuesday, January 24, 1911, immediately after the reading of the Journal, the same being the consideration of Senate Bill No. 162—An

Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage—be postponed temporarily.

Motion carried.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution

Resolved, That the following named persons be allowed the sums set opposite to their respective names for services rendered the Senate prior to its organization, the same being payable out of the contingent fund of the Senate:

Willie Saunders, 10 days at \$2.50	\$25.00
Wallace Strait, 1 day at \$3.00	3.00

And that the State Controller be and he is hereby directed and ordered to deliver his warrants upon the proper fund in favor of the foregoing named persons for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BURNETT, Chairman

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burdick, Campbell, Cartwright, Cassidy, Cullen, Estabrook, Fisk, Gales, Harp, Hiram, Hyde, Johnson, Larkin, Martinelli, Regan, Roseberry, Sanford, Sargent, Strong, Thayer, Walker, and Welch—28.

None None.

INTRODUCTION AND FIRST READING OF BILL ETC.

The following bills, etc., were introduced:

By Senator Shanahan: Senate Joint Resolution No. 9 Relative to the Klamath reclamation project.

SUSPENSION OF RULES

Senator Shanahan moved that the rules be suspended, and Senate Joint Resolution No. 9 be on file, without print or reference to committee.

Motion duly seconded.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION OUT OF ORDER

Senator Shanahan moved that Senate Joint Resolution No. 9 be taken up for consideration.

SENATE JOINT RESOLUTION No. 9.

Relative to the Klamath reclamation project

WHEREAS, It appears that California's contributions to the reclamation funds have been very great, and that the State is entitled to a large share of the regular reclamation funds as provided by the Reclamation Act; and

WHEREAS, The Klamath project is among the most worthy in the United States, and its early completion is desirable both to the sections to be developed through its construction and to the United States, to secure the earliest possible return of the construction fund for use elsewhere; and

WHEREAS, It appears that the unconstructed portions of the Klamath project are to be equally divided between the states of California and Oregon; therefore, be it

Resolved, That our Senators and Representatives in Congress be and they are hereby memorialized to use their earnest efforts to secure funds sufficient for the

continuous construction of all approved units of the Klamath project, and that they endeavor to secure the cooperation of the Senators and Representatives from Oregon in securing the completion of the Klamath project without unnecessary delay or the elimination of any of its important details, since both states are equally interested in its construction. The Secretary of State is hereby instructed to transmit without delay a copy of this memorial to each of the Senators and Representatives of the State of California in Congress.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutton, Estrudillo, Finn, Gates, Hare, Hewitt, Holo'an, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—31.

NOES—None.

Senate Joint Resolution No. 9 considered engrossed, and ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Cartwright: Senate Bill No. 554—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905; amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Black: Senate Bill No. 555—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated, and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented, or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; granting and establishing a State Board of Control;

providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control, and providing for the payment thereof, fixing the place of business of said Board of Control, declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Irrigation.

By Senator Gates: Senate Bill No. 556—An Act to amend the Code of Civil Procedure, by adding a new section thereto to be numbered eighteen hundred seventy and one half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor of the State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Finance.

By Senator Bills: Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 560—An Act authorizing and directing the directors of the State Agricultural Society to move the building now on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the poultry building, and building an addition thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 561—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the woman's building, providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 564—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the coliseum, or amphitheater, providing for its equipment, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure; providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 567—An Act authorizing and directing the State Agricultural Society to purchase additional land adjoining the state fair grounds, at Agricultural Park, near the city of Sacramento, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Martinelli: Senate Bill No. 569—An Act establishing, and fixing, and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Thompson: Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer, in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367e, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

Also: Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure relating to the manner of granting temporary injunctions.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 376, 378, 459, 460, 461 and 220 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 287—An Act to amend section ten hundred and ten of the Code of Civil Procedure, relating to service of notice of an order or ruling of court.

Also: Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten *a*, relating to contracts for attorneys' fees made by and for the benefit of minors, to the fixing of such fees by the courts wherever judgments shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Also: Senate Bill No. 240—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Also: Senate Bill No. 241—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 287, 447, 240 and 241 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered seven hundred and nineteen, and relating to leases for hunting privileges—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on Fish and Game.

STETSON, Chairman.

Senate Bill No. 271 ordered re-referred to Committee on Fish and Game.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to Committee on Finance.

WELCH, Chairman.

Senate Bill No. 197 ordered re-referred to Committee on Finance.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School, and making provision for the return of said appropriation to the state treasury—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and that it be re-referred to the Finance Committee.

BILLS, Chairman.

Senate Bill No. 377 ordered re-referred to Committee on Finance.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 24, 1911

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution:

Resolved, That the Standing Rules of the Senate, as printed in the Journal of January 5, 1911, be and the same are hereby amended as follows:

Strike out of Rule 3, line 14, the words "Enrolled and Engrossed" and insert in lieu thereof the words "Engrossed and Enrolled".

Strike out the word "reporters" at the end of Rule 4, and insert in lieu thereof the words "properly accredited newspaper representatives".

Strike out of Rule 6, line 2, the words "is hereby", and insert in lieu thereof the words "shall be".

Amend Rule 13 by striking out the word "and" before the words "constitutional amendments", and by adding after the words "constitutional amendments" the words "journals and histories".

Amend the title to Rule 17 by striking out the words "Senators Must Address the President", and insert in lieu thereof the words "*Discern and Debate*."

Amend Rule 29 by inserting wherever the words "Engrossing Clerk" or "Enrolling Clerk" are used, the words "Engrossing and Enrolling Clerk".

Amend Rule 31 by striking out all of the same, including the caption, and inserting in lieu thereof, the following:

Disposition of Assembly Bills.

31. When an Assembly bill has been received by the Senate, with a message announcing that the same has passed the Assembly, such bill shall be referred to a

standing committee; *provided, however*, that when an Assembly bill is received, the provisions of which are stated by a member to be identical with those of a Senate bill, which has already been considered and reported by a committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment and Enrolled Bills for comparison, which committee shall report forthwith whether or not said bill is identical with the Senate bill, and if reported identical, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn) and shall take its place on the second reading list and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

Amend Rule 32 by striking out in line 1 the words "or resolutions".

Amend Rule 33 by striking out the words "Journal Clerk", and inserting in lieu thereof the words "Secretary of the Senate".

Have had the same under consideration, and respectfully report the same back and recommend that said resolution be adopted.

BOYNTON, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shaughan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—31.

NOES—None.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 6. A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending section two of Article IV thereof, relating to sessions of the Legislature.

Senate Constitutional Amendment No. 6 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shaughan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Tyrrell, Walker, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY -- (OUT OF ORDER).

On motion of Senator Tyrell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as follows: Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 263 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking."

Also: Assembly Bill No. 217—An Act to amend section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Also: Assembly Bill No. 192—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been, or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Also: Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 332, Statutes 1907).

Also: Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Also: Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 219, Statutes 1907).

Also: Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Chapter 579, Statutes 1909).

Also: Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Also: Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Also: Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin Prison for the sixty-first fiscal year.

Also: Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the State Prison at San Quentin (Chapter 214, Statutes 1905).

Also: Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Also: Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 324, 217, 102, 264, 350, 349, 341, 340, 339, 338, 337, 336, 335, 334, 333, 332, and 329 read first time.

Assembly Bill No. 324 ordered referred to Committee on Banking.

Assembly Bills Nos. 350, 349, 341, 339, 336, 335, and 332 ordered referred to Committee on Finance.

Assembly Bills Nos. 217, 102, and 264 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 338, 337, and 329 ordered referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 340 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bills Nos. 334 and 333 ordered referred to Committee on Prisons and Reformatories.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 221 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holehan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 301 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Curtin, Gates, Hewitt, Holehan, Juilliard, Larkins, Lewis, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—23.

NOES—Senators Cartwright, Cassidy, Curtin, Estudillo, Finn, Hare, Hurd, Martinelli, Regan, Sanford, and Shanahan—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Campbell gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 301 was this day passed.

QUESTION OF PERSONAL PRIVILEGE.

Senator Campbell arose to a question of personal privilege, and spoke as follows:

The author of Senate Bill No. 301 has insinuated that any one who was against the same is against the administration. I want to state that I have never been called into any conference, or in any way given notice that the administration is for this measure. I want it distinctly understood that I am with the administration first, last, and always.

QUESTION OF PERSONAL PRIVILEGE.

Senator Curtin arose on a question of personal privilege and spoke as follows:

MR. PRESIDENT. I was engaged in preparing amendments to Senate Bill No. 219 when the vote on Senate Bill No. 221 was taken, and were I present in the Senate at that time I would have voted for Senate Bill No. 221.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the special order heretofore set for Tuesday, January 24, 1911, immediately after the reading of the Journal, the same being the consideration of Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage, and which was at that time temporarily passed, be postponed until January 24, 1911, at two o'clock P. M.

Motion carried.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 162, the same was taken up for consideration.

CALL OF THE SENATE.

Senator Martinelli moved a call of the Senate.

Motion carried.

Time two o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Escudillo, Gates, Haas, Hare, Howitt, Holchan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—32.

The Secretary announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

MOTION.

Senator Juilliard moved to re-refer Senate Bill No. 162 to the Committee on Judiciary.

Motion duly seconded.

The question being on the motion to re-refer Senate Bill No. 162 to the Committee on Judiciary.

The roll was called, with the following result:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Estudillo, Hewitt, Juilliard, Larkins, Shanahan, Thompson, and Tyrrell—12.

NOES—Senators Rindsell, Black, Barnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Holahan, Hurd, Lewis, Martinetti, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Welch and Wolfe—24.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR

At three o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILL NO. 162—RESUMED.

Senate Bill No. 162—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 162 refused passage by the following vote:

AYES—Senators Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Hurd, Lewis, Martinetti, Regan, Sanford, Welch and Wolfe—15.

NOES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Cutton, Estudillo, Gates, Hewitt, Holahan, Juilliard, Larkins, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, and Walker—21.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

On motion of Senator Stetson, Senate Bill No. 302 was passed, and placed at the foot of the file.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

Senate Bill No. 26 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Senate Bill No. 215 was temporarily passed on file, in the absence of the author, to retain its place.

PRESIDENT WALLACE IN THE CHAIR.

At four o'clock and five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinielli, Regan, Roseberry, Rush, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by repealing Section 6269 thereof, relating to tree squirrels.

Also: Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Also: Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Also: Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Also: Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Also: Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Also: Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Also: Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, to provide a system of sewer bonds for the construction of sewers thereon, and to provide for the payment of said bonds.

L. B. MALLORY, *Chief Clerk of the Assembly.*
By THOS. G. WALKER, *Assistant Clerk.*

Assembly Bills Nos. 98, 255, 327, 348, 346, 347, 342, 343, 344, 328 and 45, read first time.

Assembly Bill No. 98, ordered referred to Committee on Fish and Game.

Assembly Bills Nos. 255 and 45 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 327, 348, 346, 347, 343, 342, 344, and 328 ordered referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hurd:

Resolved, That the name of Claude Mathewson, Assistant at the Desk at \$5.00 per day, be dropped from the roll of attaches, and in his stead the name of C. A. Garrison be substituted as Assistant at the Desk at the rate of \$5.00 per day, said change to go into effect this day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Bills, Boynton, Bryant, Cameron, Campbell, Cassel, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Hurd, Judford, Larkins, Lewis, Mastinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Farrell, Walker and Welch—27.

NOES—None.

Whereupon the President of the Senate ordered the substitution made, and declared the above named person had been duly elected.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 8:

Resolved, by the Senate, the Assembly concurring, That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California for the thirty-ninth session of said Legislature.

Have had the same under consideration, and respectfully report the same back and recommend that the same be adopted.

BOYNTON, Chairman.

Senate Concurrent Resolution No. 8 ordered on file.

SECOND READING OF BILLS.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

Senate Bill No. 344 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 223—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 1 and 2, strike out the words "Be it enacted by the people of the State of California, represented in the senate and assembly:".

Amendment adopted.

Also:

On page 2, Section 4, strike out the whole section.

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "other" insert the following: "industrial".

Amendment adopted.

Also:

During second reading of the bill, the following amendment was offered by Senator Strobridge:

Add a new section as follows:

"SEC. 4. Nothing in this act shall be held to affect the harvesting, curing, or drying of any variety of fruit or vegetables."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES.

Senator Wolfe moved that No. 63 of the standing rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Senate Bill No. 351 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, insert the following: A period after the word "marriage." in line 5, and strike out all of lines six and seven.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 193—An Act to repeal section four thousand and forty-nine *a* of the Political Code of California, relating to the annual statistical report prepared and published by boards of supervisors.

During second reading of bill, the following amendment was submitted by committee:

On page 1 of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE

SENATE CHAMBER.

Wednesday, January 25, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Barnett, Cammerott, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hense, Hense, Hewitt, Hinchman, Hunt, Juilliard, Larkins, Lewis, Martindale, Rogers, Rossberry, Rush, Sargent, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—46.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Beban was, on motion of Senator Cassidy, granted leave of absence for this day.

Senator Wright was, on motion of Senator Gates, granted leave of absence for this day.

Senator Boynton was, on motion of Senator Stetson, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Campbell, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 24, 1911, the further reading was dispensed with, on motion of Senator Strobridge.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Campbell moved that the vote whereby Senate Bill No. 301—An Act entitled

"An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges"—was passed, be now reconsidered. The motion was duly seconded.

SPECIAL ORDER SET.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 301 was passed be made a special order for Thursday, January 26, 1911, at eleven o'clock A. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332)—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Finance.

BILLS, Chairman.

Assembly Bill No. 340 ordered re-referred to Committee on Finance.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Also: Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

TYRRELL, Chairman.

Senate Bills Nos. 373 and 470 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 65—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries, and for the issuance of licenses for such business, and for the sanitary conditions of bakeshops and bakeries—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to Committee on Public Health and Quarantine.

LARKINS, Chairman.

Senate Bill No. 65 ordered re-referred to Committee on Public Health and Quarantine.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 206—An Act to amend section one thousand nine hundred and seventy of the Civil Code of the State of California, relating to the right of an employee, his heirs or personal representatives, to recover compensation for injury or death of an employee in the course of his employment, caused by the negligence of the employer—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to Committee on Judiciary.

LARKINS, Chairman.

Senate Bill No. 206 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT, Your Committee on Labor, Capital, and Investigation, to whom was referred Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of women, through minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," enacted February 29, 1905, have had the same under consideration, and respectfully request the same to be read and recommend that it do pass as amended.

LARKINS, Chairman.

Senate Bill No. 159 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT, Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 9—Approving certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county at San Francisco, at a special municipal election held thereon on the fifteenth day of November, 1910, have had the same under consideration, and respectfully request the same to be read and recommend that it be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 9 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Avey: Senate Bill No. 574—An Act to amend Section 987 of the Penal Code of the State of California, providing for the compensation of counsel appointed by the court to defend persons accused of felonies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 575—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 577—An Act to provide for the construction of roads, curbs, gutters, and walks at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 578—An Act to provide for transforming the old power plant into a commissary building and office for the steward at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 579—An Act to provide for the erection of one cottage for male night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 580—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 581—An Act to provide for the erection of one cottage for female night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 582—An Act to provide for the erection of one large cottage for male patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 583—An Act making an appropriation for the furnishing and equipping of two cottages for night watches at the Southern California State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 584—An Act making an appropriation for furnishing and equipping one large cottage for male patients at the Southern California State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Stetson: Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cannetti: Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of

California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted at the thirty-ninth session of the Legislature of the State of California.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Gates: Senate Bill No. 588—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation, and requiring that the signatures of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 592—An Act to amend Section 1258 of the Penal Code of the State of California, requiring the court to give judgment on applications for new trial and on appeal regardless of technical errors, unless it shall appear that the error complained of has resulted in a miscarriage of justice.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewett: Senate Bill No. 593—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 594—An Act to amend section eight hundred thirty-two of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 595—An Act providing for making it the duty of telegraph companies to receive and transmit dispatches, and creating their liability for mistakes, errors or delays in the transmission, delivery or nondelivery of any repeated or nonrepeated message.

Bill read first time, and referred to Committee on Corporations.

By Senator Hurd: Senate Bill No. 596—An Act to require corporations and their officers to permit the Attorney General or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases; making failure to comply with this Act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter

or cancellation of permits of corporations for failure to comply therewith and fixing venue.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California amendments to the Constitution of the State of California, repealing Section 14, Article XIII; amending Section 10, Article XIII; and adding a new section to Article XI to be known as Section 10, all relating to the separation of the sources of revenue for state purposes from the sources of revenue for county and municipal purposes.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Black: Senate Bill No. 597—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 598—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the Conservation Commission of the State of California; prescribing the powers and duties of said commission and its members, and providing for the expenses of said commission and appropriating money therefor.

Bill read first time, and referred to Committee on Irrigation.

By Senator Curtin: Senate Bill No. 599—An Act entitled an Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered Section 39½, relating to the levy of and collection of assessments.

Bill read first time, and referred to Committee on Irrigation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 399, An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Municipal Corporations.

MARTINELLI, Chairman.

Senate Bills Nos. 399 and 451 ordered re-referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending section two of Article IV thereof, relating to sessions of the Legislature.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 6 was temporarily passed on file, to retain its place.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Rush moved to refer to Senator Strobbridge, as a special committee of one, to amend as follows:

By striking out of title of the printed bill, the words "as effect March 2, 1883, as amended by an Act approved March 5, 1901," and inserting in lieu thereof the following: "approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901."

Also: By striking out of Section 1, lines 2 and 3, the words "as effect March 2, 1883, as amended by an Act approved March 5, 1901," and inserting in lieu thereof the following: "approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901."

Also: By striking out of Section 1, lines 15 and 17, the figures "5000," and inserting in lieu thereof the following: "6000."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, January 25, 1911

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 26, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Chairman.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Tyrrell moved to refer to Senator Strobbridge as a special committee of one, to amend as follows:

By striking out of Section 1, line 9, the words "nineteen hundred," and inserting in lieu thereof the following: "nineteen hundred and ten."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 215, with instructions to amend, respectfully reports the same back amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees," approved April 12, 1909.

Senate Bill No. 289 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 237—An Act to add a new section to the Political Code to be numbered 4041b, relating to state conventions of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Thompson, Walker, and Wolfe—25.

NOES—Senators Cullen, Juilliard, Rush, Shanahan, Strobridge, and Tyrrell—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 244 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read third time.

MOTION.

Senator Caminetti moved to re-refer Senate Bill No. 83 to Committee on Judiciary.

Motion duly seconded, and carried.

Senate Bill No. 83 ordered re-referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS—RESUMED

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the rights of suffrage.

SPECIAL ORDER SET

Senator Bell moved that the further consideration of Senate Constitutional Amendment No. 8 be made a special order for Thursday, January 26, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

THIRD READING OF SENATE BILLS—RESUMED

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article 1 thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

Senate Constitutional Amendment No. 13 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was passed, to be placed at the foot of the file.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly and funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Senate Bill No. 302 was temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONCURRENT RESOLUTION NO. 8

Resolved by the Senate, the Assembly concurring. That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California for the thirty-ninth session of said Legislature:

JOINT RULES OF SENATE AND ASSEMBLY

JOINT ADDRESS TO GOVERNOR.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

JOINT AND CONCURRENT RESOLUTIONS.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly as the case may be.

BILLS READ AND REFERRED TO COMMITTEE.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

SPECIAL FILE.

8. After the 25th day of January, 1911, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

9. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

10. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

WHEN AMENDMENTS ARE CONCURRED IN.

11. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

12. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

COMMITTEE ON CONFERENCE.

13. In every case of an amendment of a bill agreed to in one house and dissent from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

COMMITTEE ON FREE CONFERENCE

14. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER

15. The presentation of report of committee on conference or free conference shall always be in order, except when the Journal is being read or a motion of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT AT ARMS

16. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

SECRETARY, CLERK, ETC., TO CARRY MESSAGES

17. Messages shall be sent by the Secretary, Clerk, or by such person as a house of propriety of each house may determine to be proper.

NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE

18. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER

19. After a bill shall have passed both houses, it shall be duly certified and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the last case, with the original, and shall first receive the signature of the presiding officer and Clerk of the Senate, of the house in which it emanated, before it shall be presented to the Governor of the State.

ENROLLING COMMITTEE TO COMPARE

20. When bills are enrolled they shall be re-examined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

PRESIDENT AND SPEAKER TO SIGN BILLS

21. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, and then by the President of the Senate.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR

22. After a bill shall have thus been signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

DAILY HISTORY OF BILLS, ETC.

23. There shall be printed daily by both the Senate and the Assembly a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

SECRETARY AND CLERK TO KEEP REGISTER

24. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL ENDORSE BILLS.

25. The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

ADJOURNMENT SINE DIE.

26. An adjournment *sine die* shall be made only by concurrent resolution.

DISPENSING WITH JOINT RULES.

27. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate concurrent resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hare, Hewitt, Holoban, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—29.

NOES—None.

Senate Concurrent Resolution No. 8 ordered engrossed, and transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

On motion of Senator Juilliard, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Senate Bill No. 351 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the word "or" after the word "vehicle", and insert in lieu thereof the following: "and".

Amendment adopted.

Also:

On page 1, Section 1, line 8, after the words "any duty" insert the following: "imposed by law".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 378.—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle, or other motor vehicle, and prescribing a penalty for the violation of said section.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, before the word "and" insert the word "or" and after the word "and" insert a period, and strike off the rest of line 8 and all of lines 9, 10, and 11.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 459.—An Act to amend Section 2470 of the Civil Code relating to register of persons and firms to be kept by the county clerk.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, insert commas after the first word "name" also after the second word "name".

Amendment adopted.

Also:

On page 1, Section 1, line 8, insert a comma after the word "partnership".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 460.—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "and", and insert in lieu thereof the following: "and".

Amendment adopted.

Also:

On page 1, Section 1, line 9, insert a comma after the word "situated", and also after the word "certificate".

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the words "fictitious names" insert a comma.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR THOMPSON IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Thompson of the Thirty-fifth District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the figures "2466", and insert in lieu thereof the following: "twenty-four hundred and sixty-six".

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the word "by", and insert in lieu thereof the following: "of".

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Senate Bill No. 220 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 287—An Act to amend section ten hundred and ten of the Code of Civil Procedure, relating to service of notice of an order or ruling of court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure, to be numbered section eighteen hundred and ten *a*, relating to contracts for attorneys' fees made by and for the benefit of minors, to the fixing of such fees by the courts wherever judgments shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be known as section six hundred and four *a*, providing for the formation of religious corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Bill read second time, ordered engrossed, and on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER.

By Senator Curtin: Senate Bill No. 600. An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read first time, and referred to Committee on Irrigation.

By Senator Black: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Constitutional amendment referred to Committee on Irrigation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT, Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 181—An Act requiring the incorporation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor, have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be transmitted to the Committee on Finance.

HERD, Chairman.

Senate Bill No. 181 ordered re-referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER)

The following resolution was introduced:

By Senator Estudillo:

Resolved, That the following named person be allowed the sum set opposite her name for services rendered the Senate prior to its organization, the same being payable out of the Contingent Fund of the Senate:

Zulpha Martin, Stenographer, 3 days at \$5.00 \$15.00

And that the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing named person for the amount set opposite her name, and the State Treasurer is hereby directed and ordered to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER)

On motion of Senator Wolfe the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed, as case of urgency, Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 480 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS — OUT OF ORDER.

By Senator Hare: Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months; requiring the labeling thereof by all persons selling or offering the same for sale; empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect, and fixing penalties for the violation of the same, or any of the provisions.

Bill read first time, and referred to Committee on Public Health and Quarantine.

ADJOURNMENT.

At eleven o'clock and thirty minutes p. m., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 26, 1911.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE.

Senator Beban was, on motion of Senator Cassidy, granted leave of absence for this day, owing to continued illness.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 25, 1911, the further reading was dispensed with, on motion of Senator Black.

APPROVAL OF THE JOURNALS.

The Journals of Monday, January 2d, Tuesday, January 3d, Wednesday, January 4th, Thursday, January 5th, Friday, January 6th, Monday, January 9th, Tuesday, January 10th, Wednesday, January 11th, Thursday, January 12th, Friday, January 13, 1911, having been corrected, were read and approved.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS

SENATE CHAMBER, SACRAMENTO, January 26, 1911

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 349—An Act to regulate the sale of poultry and eggs—have had the same under consideration and respectfully report the same back, and recommend that it do pass as amended.

BILLIS, Chairman.

Senate Bill No. 349 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 26, 1911

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Also: Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Also: Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for and to the State Agricultural Society for the sixtieth fiscal year.

Also: Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Also: Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Also: Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Also: Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 342 Statutes 1907).

Also: Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, counting and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Also: Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Also: Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Also: Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Also: Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Also: Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 327, 328, 332, 335, 336, 339, 340, 341, 342, 343, 344, 346, 347, 348, 349, and 350 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Avey: Senate Bill No. 604—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five days.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 605—An Act to amend section eight hundred fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Regan: Senate Bill No. 606—An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled or misbranded drugs; regulating the traffic in drugs, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 607—An Act making an appropriation for the California State Board of Pharmacy for the enforcement of an Act regulating the sale and use of poisons in the State of California, and for the enforcement of the provisions of an Act creating said California State Board of Pharmacy and Acts amendatory thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 608—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing, and preservation of evidence taken before coroners.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 612—An Act providing for a reformatory department of the state penitentiary, and for the estab-

lishment, maintenance, and control of a state reformatory; for the confinement in such reformatory of certain persons committed to the state penitentiary; for the employment of persons confined in such reformatory; providing for the term of imprisonment of persons convicted of felonies, and for the parole of prisoners in the state penitentiary; repealing conflicting Acts, and authorizing the appropriation of moneys for carrying into effect the provisions of this Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Black: Senate Bill No. 613—An Act amending Section 1666 of the Political Code, authorizing boards of education to establish as part of the course of study pursued in the grammar and secondary schools, courses of study in the mechanical arts, agriculture, horticulture, and domestic science.

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Constitutional Amendment No. 6 be made a special order for Wednesday, February 1, 1911, at eleven o'clock A. M.

Motion carried.

THIRD READING OF BILLS—RESUMED

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Senate Bill No. 161 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes thereon; and to create boards of library trustees," approved April 12, 1909.

Senate Bill No. 289 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three

fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing, directly or indirectly, any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

On motion of Senator Stetson, Senate Bill No. 302 was passed, to be placed at the foot of the file.

SENATE CONCURRENT RESOLUTION NO. 9.

Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific Exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Charter Amendment No. 2, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8, and adding four new

sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor.

Charter Amendment No. 5, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter 411 of article II and sections 13 and 19 of chapter I of article II thereof, relating to official ballot-sing."

Charter Amendment No. 6, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding two new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of chapter I of article XI and chapter II of article XI, relating to elections, the district nomination of candidates and the Australian ballot."

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph (i) of section 4 of chapter II of article XI thereof, which, it appears, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no official designation shall be printed in connection with the name of a candidate therefor."

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers."

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State."

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, sewers and viaducts under accepted or unaccepted streets."

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of tunnels, sewers and viaducts."

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 27 and 30 of chapter II of article VI, relating to improvements of streets when of more than local benefit, the change or correction of alignment of streets or substitution of a street, and the construction of sewers in streets."

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing unaccepted streets and the liability of the city and county and its officers for damages resulting from defects in public streets."

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article VI to be designated section 33 thereof, relating to the method of improvement of streets, the construction of tunnels, etc., and that assessments may be made payable in installments."

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section 1 of chapter II of article II thereof, relating to the establishment of a free employment bureau."

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto, to be known as section 12 of article XIV, granting permission to the Academy of Sciences to erect and maintain a museum in Golden Gate Park."

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of certain employees of the fire department."

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7a, 7b, and 7c, relating to the conditions upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and wages of employees and providing for the forfeiture of franchise for a violation of conditions."

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section thereto, to be numbered section 6a, relating to the manner of granting franchises."

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, repealing section 10 of article XIVa, and adding three new sections thereto, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks."

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of chapter I of article VI relating to public work by contract and day labor."

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article XIII thereof relating to the appointment of civil service commissioners."

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 33 of article XVI and adding two new sections thereto, to be numbered sections 39 and 40, relating to vacations, holidays and office hours."

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions."

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10, relating to the pensions of firemen retired prior to January 1, 1900."

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors."

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein."

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV, relating to the grading of positions in the tax collector's office and fixing the salaries therein."

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI thereof, relating to positions in the department of public works, and fixing salaries therein."

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California,

to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Charter Amendment No. 36, entitled "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending section 1 of chapter IV of article IV, relating to positions and salaries in the assessor's office."

Charter Amendment No. 37, entitled "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a two-year salary fund; the levy of a tax for current expenses of the department of education, and for acquiring lands, school buildings and improvements."

Charter Amendment No. 38, entitled "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of \$3.00 a day."

Charter Amendment No. 39, entitled "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VI of article VIII thereof, relating to salaries of the police patrol drivers, and"

WHEREAS, Said thirty-eight proposals, aforementioned, containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1301 (new series), of the board of supervisors, approved September 20, 1910, instruct the board of election commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper; and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly convened in accordance with law and the charter of the city and county of San Francisco, the board of election commissioners of the said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law and the charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city and county; and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, seventeen, eighteen, nineteen, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified.

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the said board of election commissioners duly filed with the board of supervisors the "official statement of votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D. 1910, for charter amendments"; and

WHEREAS, The said eighteen amendments so ratified by the electors of the city and county of San Francisco at said special municipal election are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1.

That a new section be added to article XVI of the charter, to be known as section 29a, and to read as follows:

Section 29a. 1. The supervisors are hereby empowered and directed, without further authority, to incur a bonded indebtedness of the city and county, in an amount of five million dollars, and to issue municipal bonds therefor, the proceeds of said bonds to be granted and turned over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of Cali-

fornia March 22, 1910), to be used and disbursed by said exposition company for the purposes of an international exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama Canal.

2. The bonds issued under the provisions of this section shall be in such form as the supervisors in the ordinance providing for such bonded indebtedness shall determine; provided that such bonds shall be issued, sold, redeemed, registered and converted in accordance with the provisions of section 10, 11, 12 and 13, of article XII of the charter, as they now read, so far as said sections are applicable.

3. The proceeds of any sale of such bonds shall be payable immediately by the treasurer of the city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of such treasurer of said exposition company, without the necessity of the approval of such demand by the auditor of the city and county, or other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purpose of such exposition.

That section 9 of article XII of the charter be amended to read as follows:

Section 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county; *provided*, that any bonded indebtedness which may be incurred under the provisions of section 29a of article XVI of the charter, in aid of an exposition to celebrate the completion of the Panama Canal, shall be exclusive of the bonded indebtedness of the city and county limited by this section.

That section 1 of article XIV of the charter be amended to read as follows:

Section 1. The lands designated upon the map of the outside lands of the city and county, made pursuant to order No. 800, by the word "park," extending from Stanyan street to the Pacific ocean, and known as Golden Gate Park; also the land fronting on Haight street, designated on said map by the word "park," and known as Buena Vista Park; also the land designated on said map by the word "avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "great highway," also Mountain Lake Park; also Seal Rocks, as ceded to the city and county of San Francisco by act of congress; and all the other parks and squares in the city and county, and all the grounds surrounding public buildings in the city and county, and all parks and squares and public pleasure grounds hereafter acquired by the city and county, shall be under the exclusive management of a board of commissioners who shall be known and designated as park commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park, shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the playground commissioners; provided that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22d, 1910) is authorized to assume and take over the management and control, and to have the exclusive possession and use, of that portion of Golden Gate Park westerly from Twentieth avenue, as extended, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, and possession and use, to terminate not later than one year after the closing of such exposition.

That subdivision 6 of section 1, chapter III of Article VII of the charter, be amended to read as follows:

6. To receive, to take on lease and to hold in trust for the city and county any real estate belonging to or claimed by the school department. To hold in trust all personal property that may have been or may hereafter be acquired by the school department. *Provided, however*, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22, 1910) is authorized to assume and take over the management and control, and have the exclusive possession and use, of any lands belonging to or claimed by the school department or by the city and county, which are situate westerly from Twentieth avenue, and not in actual use, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, possession and use, to terminate not later than one year after the closing of such exposition.

That a new section be added to chapter III, article VI of the charter, to be known as section 20 and to read as follows:

SECTION 20. The Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22d, 1910) is authorized to temporarily close streets in the city and county westerly from Twentieth avenue, for the purposes of an exposition to celebrate the completion of the Panama Canal, and may have exclusive possession and use of said streets so closed for such exposition purposes, such possession and use of said streets to terminate not later than one year after the closing of such exposition; provided that no street shall be closed as in this section provided until after said exposition company shall have acquired, for such exposition purposes, all of the lands held in private ownership fronting on said street, or portion of street, so closed.

CHARTER AMENDMENT NO. 6.

That article XI of said charter be amended by the addition of new chapters to be known as chapters III, IV, and V thereof, the same to read as follows:

CHAPTER III.

THE INITIATIVE.

Acts of Supervisors and Legislative Acts.

SECTION 1. The registered voters shall have power to propose by petition and to adopt or to reject at the polls, any ordinance, act or measure, not of a general nature, which is within the power conferred upon the board of supervisors, or any legislative body, and is within the power conferred upon any other political subdivision of the county. Such ordinance, act or other measure may be proposed by filing with the board of election commissioners a petition setting forth said measure, be full signed by registered voters of the city and county as many in number as the percentage of signatures required of the entire vote for all candidates for the same of nearest race at the last preceding regular municipal election.

SIGNATURES.

SEC. 2. The words "registered voters," as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition filed and to be deposited in the polls, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the persons soliciting signatures to the same. Any qualified voter or citizen taxpayer of the municipality is competent to solicit said signatures. Each section shall have attached thereto the address of the person soliciting signatures to the same, stating that all signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto need be required. Each signer of said petition shall add to his signature his place of abode, giving the street and number. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and after an election based thereon, the authenticity of said petition shall not be questioned.

Any signer to a petition may withdraw his name from the same by filing with the board of election commissioners a verified revocation of his signature before the filing of the petition with said board. No signature can be revoked after the petition has been filed. The registrar of voters shall endorse on said petition the names of three persons who filed said petition.

VERIFICATION.

SEC. 3. Within ten days after the date of filing such petition, the board of election commissioners must finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, said board shall mail notice to such purported signer, stating that his name is attached to such petition, and urge him to appear before them forthwith. Unless and until said purported signer depoes under oath the genuineness of such signature, it shall be deemed genuine. If necessary, the board of supervisors shall allow the board of election commissioners extra help for the purpose of examining such petition. The board of election commissioners, upon the conclusion of such examination, shall forthwith attach to said petition their certificate showing the result of said examination, and forthwith mail a copy thereof to the persons filing said petition. If by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days after the date of said certificate. The board of election commissioners shall, within ten days after such amendment, make like examination and determination of the amended petition and attach and mail a like certificate, and, if their certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to effect the same purpose.

Ten Per Centum for Special Election.

SEC. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the board of election commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

Four Per Centum for General Election.

SEC. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason any measure proposed by a petition signed by registered voters as many in number

as ten per cent of said entire vote has not been submitted at a special election as provided in section 4 of this chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the board of election commissioners to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the board of election commissioners' certificate of sufficiency attached to the petition accompanying such measure.

Form of Ballot. Majority Vote.

SEC. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

Competing and Conflicting Measures. Repeal.

SEC. 7. When there are two or more measures proposed to secure the same general purpose, the board of election commissioners shall so declare, and shall have the ballots printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more measures are tie for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Elections.

SEC. 8. All arrangements for an election under this chapter shall be made and the same shall be conducted, returned, and the results thereof declared, so far as practicable, in all respects as are municipal elections, and state penal laws applicable to general elections shall apply to elections held hereunder; *provided*, if there be any conflict of provisions, this chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this chapter; *provided* that there shall not be held under this chapter more than one special election within a period of six months.

Measure to be Mailed to Voters.

SEC. 9. Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the board of election commissioners shall cause the measure to be printed, in substantially the same form as the latest municipal edition of this charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

Arguments to be Mailed to Voters.

SEC. 10. If said proposition be submitted upon an initiative petition of the registered voters, the persons filing said petition shall have the right to present to the board of election commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the mayor, or by the board of supervisors, or by one-third of the board of supervisors, or by persons filing a referendary petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this charter and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments, either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The board of election commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by Section 9 of this chapter.

Election is Mandatory.

SEC. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the board of supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be

submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Charter Amendments.

SEC. 12. The provisions of this chapter, unless prohibited by the contrary constitution, shall apply to the proposal, submission and adoption of charter amendments.

Declarations of Policy.

SEC. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances, and when approved by a majority of the voters voting at any election, it shall become the duty of the board of supervisors or other body authorized to make an ordinance or ordinances to carry such policies or principles into effect, subject to the prohibitory provisions of Chapter IV of Article XI of this charter.

Special Election Fund.

SEC. 14. In the first annual budget to be hereafter adopted by the board of supervisors, said board shall appropriate not less than fifty thousand dollars to be known as the special election fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the exhaustion of any of said fund, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said special election fund.

Substantial Compliance.

SEC. 15. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Repeal of Present Provision.

SEC. 16. Section 20 of Chapter I of Article II of said charter relating to initiative petitions, is hereby repealed.

CHAPTER IV

THE REFERENDUM.

Public Utilities.

SECTION 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Supervisors. By Mayor.

SEC. 2. Any ordinance which the supervisors are empowered to pass may be submitted by a majority of the board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the supervisors or by the mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

Referendum by Electors.

SEC. 3. No ordinance passed by the supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it becomes final (a) by approval of the mayor; (b) or without his approval by the expiration of the time prescribed by this charter within which he may disapprove it; or (c) by its passage by the board of supervisors over his objections in the event of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the election commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Regulations Governing Petitions.

SEC. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of Sections 2 and 3 of Chapter III of this article (the initiative), which are hereby made a part hereof.

Time of Elections.

SEC. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the proper board shall decide.

Elections—How Conducted.

SEC. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of Chapter III (the initiative), so far as applicable, shall govern elections held under the authority of this chapter.

Majority Vote.

SEC. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected.

Substantial Compliance.

SEC. 8. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder, and for the approval or rejection of any measure submitted thereat.

Repeal.

SEC. 9. Section 21 of Chapter I of Article II of this charter is hereby repealed.

CHAPTER V.

THE RECALL.

Elected Officials—Ten Per Centum—Statement of Grounds.

SECTION 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed or recalled shall be filed with the board of election commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for mayor at the last preceding general municipal election, provided that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

Signatures—Verification.

SEC. 2. Said petition shall be in all respects in accordance with the provisions of Sections 2 and 3 of Chapter III (the initiative) of Article XI of this charter, which sections are made a part hereof, and shall be examined and certified by the board of election commissioners in all respects as in said sections provided.

Special Election.

SEC. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within ten days from the date of filing the same, the board of election commissioners shall thereupon order and fix a date for holding the said election, said date to be not less than thirty-five days nor more than fifty days after the date of the order fixing the date of said election. If a vacancy occur in said office after a recall petition has been filed, the election shall nevertheless proceed as in this chapter provided.

Several Removals at One Election—Publication.

SEC. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The board of election commissioners shall make or cause to be made due publication of notice of said election.

Nominations.

SEC. 5. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the board of election commissioners shall place his name on the official ballot without nomination. Any person may be nominated for any office under such recall election in the following manner, and not otherwise, to wit: By filing with the board of election commissioners the petitions of not less than ten or more than twenty registered voters, who shall appear personally before the registrar of voters and make affidavit that in their judgment the candidate is fully qualified, mentally, morally and physically, for said office and should be elected to fill it. Such petitions shall be filed not less than twenty-five days before such recall election.

Sample Ballot. Printed Statements.

SEC. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer so set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

Form of Ballot. Election.

SEC. 7. Until and unless there be some other method provided in this chapter for the conduct of a recall election, such election shall be conducted, so far as applicable, by the laws governing the holding of other municipal elections, except as hereinafter provided:

(a) The ballot for a recall election shall be printed in the following manner: At the top of the ballot shall appear such part of the instructions to voters as are applicable to such election. Immediately below the instructions to voters shall be printed the title of the office or offices to be filled in the event set forth in this charter. The names of the candidates for any such office shall be arranged in alphabetical order under the title to such office.

(b) In any such removal election the candidate receiving a majority of all the votes cast for such office shall be declared elected. In case two or more persons are to be elected to the same office, then these candidates, equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; provided, however, that no person shall be declared elected to any such office at such election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

(c) If no candidate receive a majority of all the votes cast for such office at such election, a second election shall be held fourteen days later. The board of election commissioners shall provide ballots for such election, on which shall be printed the names of the two candidates for each office who received the highest number of votes for such office at the first election, and no other names, provided that if more than one person is to be elected to one office, the candidates not elected at such first election equal in number to twice the number to be elected, or less if there be not so many, who received the highest number of votes for such office at such first election, shall appear in alphabetical order on such ballots and shall be the only candidates for such office at the second recall election, provided further, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Removal. Successor. Second Recall.

SEC. 8. If some other person than the incumbent of such office or offices receive a majority of the votes cast at such recall election, or the highest number of votes at such second election, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this chapter. In case the person declared elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives a majority of the votes cast at such recall election or the highest number of votes at a second election, he shall continue in office. If such incumbent is so re-elected, it shall require double the number of signatures to initiate a second election for his recall; and if re-elected at such second recall election, it shall require three times the number of signatures to initiate a third recall election against such officer during the term for which he was elected.

Reimbursement for Election Expenses.

SEC. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the special election fund for his expenses in such recall election; provided, that such payment shall not exceed the amount he is permitted to spend under the purity of elections act now in force.

Vacancies. Disqualification.

SEC. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the board of election commissioners and the holding of such election where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such recall or resignation.

Substantial Compliance.

SEC. 11. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

Repeal of Present Provisions.

SEC. 12. Section 23 of Chapter I of Article II of said charter, relating to the recall of elected officials, is hereby repealed.

In Effect January 8, 1912.

SEC. 13. This chapter shall go into effect January 8, 1912.

CHARTER AMENDMENT NO. 7.

That Section 5. of Chapter I of Article XI of the said charter shall be amended to read as follows:

Section 5. All provisions of the general laws of this state, including penal laws, respecting elections, not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the city and county of San Francisco. All provisions of the general laws of this state respecting the registration of voters shall be applicable to such registration in the city and county. The board of election commissioners must provide for precinct registration, so far as it can do so under the constitution and laws of the state.

That Chapter II of Article XI of said charter be amended to read as follows:

CHAPTER II.

MUNICIPAL ELECTIONS.

When Held Officers to be Elected Terms.

SECTION 1. There shall be held in the city and county of San Francisco, on the last Tuesday in September of the year 1911, and every second year thereafter, an election to be known as the "primary municipal election." A second election shall be held when necessary under the provisions of this charter on the Tuesday after the first Monday in November, not less than forty days after the said primary election, and shall be known as the "general municipal election."

At said primary and general elections there shall be nominated and elected by the electors of the city and county the following officers: the mayor, four police judges, district attorney, city attorney, assessor, auditor, treasurer, tax collector, recorder, public administrator, county clerk, sheriff, coroner and eighteen supervisors. Each of the above officers shall be elected for two years, except the police judges and the assessor, each of whom shall be elected for four years. The superintendent of public schools shall be elected for four years, and the justices of the peace, at the same time that members of the legislature are elected.

When Office is Taken.

SEC. 2. The officers elected at the primary or general election under this charter shall take office at noon on the eighth day of January following.

Nomination and Election of City and County Officers.

SEC. 3. (1) The mode of nomination and election of all elective officers of the city and county to be voted for at any primary, general or special municipal election, including recall elections, shall be as follows, and not otherwise:

Condition of Candidacy.

(2) The name of a candidate shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

Method of Nomination.

(3) The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the primary election in September, shall file with the registrar of voters a declaration of his candidacy, in the following form:

"DECLARATION OF CANDIDACY.

I, _____, residing at _____, hereby declare myself a candidate for the office of _____, to be voted for at the municipal election to be held in the city and county of San Francisco, on the _____ day of September.
A. D. _____

CITY AND COUNTY OF SAN FRANCISCO,)
STATE OF CALIFORNIA,) ss.

Subscribed before me and filed this _____ day of _____
A. D. _____

Registrar of voters."

The blanks in said form for the name and residence of the candidate and the office and date of election, shall be filled out and the declaration subscribed by him before the registrar of voters. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) After said declaration shall be signed, certified and filed, and not later than thirty days before said election in September, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the city and county, qualified to vote at the said municipal election, shall appear before the registrar of voters and shall certify, under oath, to the qualifications of the said candidate, he is qualified as follows:

"CITY AND COUNTY OF SAN FRANCISCO,
STATE OF CALIFORNIA, ss.

The undersigned sponsor for _____, who has declared his candidacy for the office of _____, to be voted for at the municipal election to be held in the city and county of San Francisco, on the _____ day of September, A. D. _____ being first duly sworn, deposes and says:

That in my opinion my knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ in the city and county of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a qualified elector of said city and county and am not at this time a signer of any other certificate nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more certificates than there are places to be filled in the above named office; that my residence is at No. _____ street, San Francisco and that my occupation is _____

CITY AND COUNTY OF SAN FRANCISCO,)
STATE OF CALIFORNIA, ss.

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this _____ day of _____, A. D. _____

Registrar of voters."

The blanks in the said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read to the registrar of voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the registrar by comparison with the signature of the sponsor's registration as a voter. The registrar's certificate shall thereupon be filled out and the document returned to him and filed.

(c) It shall be the duty of the board of election commissioners to furnish a sufficient number of forms for such candidates' declarations and such sponsors' certificates. In the event the registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(d) Each certificate must contain the name of one signer thereof and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office.

(e) The registrar of voters shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed under this section.

Candidate's Statement.

(4) If the candidate shall so desire, he may file with the election commission, not less than twenty-five days before the said election, a statement, of not more than one hundred words, setting forth any facts he deems pertinent to the question of his qualifications for the office for which he is a candidate and paying the sum of twenty dollars to the registrar of voters. Additional words, not to exceed two hundred, may be added to the statement, for the additional fee of ten dollars for each hundred words or part thereof. All such fees received by the registrar shall be paid over to the treasurer of the city and county of San Francisco and credited to the general fund. Upon the payment of the said fee, the board of election commissioners shall cause said statements, with the candidate's name and number on the ballot appearing above each to be grouped under the office for which he is a candidate, the names and groups to be arranged in the same order as the ballots printed for the assembly district of said city and county designated by the lowest number. The board of election commissioners shall cause the said statements so arranged to

be printed either in single sheet or pamphlet form, the candidate's name and number in fourteen (14) point type and the body of the statement in ten (10) point type and enclosed and circulated with the sample ballot and sent to each registered voter. The board of election commissioners shall furnish, at least five days before the said election, copies of such statements, so arranged and printed, to registered voters on application at his office.

Mayor's Proclamation.

(5) Immediately after such declaration and ten sponsors' certificates shall have been filed, the registrar of voters shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by this chapter; and the mayor shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least eight successive days, excluding Sundays, before the election, in not more than two daily newspapers of general circulation published in the city and county of San Francisco. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as herin required.

Form of Ballots.

(6) The registrar of voters shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this chapter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the form herein provided.

Heading and Directions to Voters.

(a) Primary (or general, or recall, or second recall, as the case may be) municipal election, city and county of San Francisco.

Instructions to voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Arrangement of Offices on Ballot.

(b) The offices to be filled shall be arranged in the following order.

The mayor, police judges, district attorney, city attorney, assessor, auditor, county clerk, sheriff, treasurer, tax collector, recorder, public administrator, coroner, arranged in one or more columns, and the supervisors in a column or columns separate from the others.

Every Nominee on Ballot.

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate.

Rotation of Candidates' Names.

(d) The ballots for the assembly district of the city and county designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the assembly district designated by the next highest number, the groups of names shall be the same as in the district designated by the next lower number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the assembly districts.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient, if an integral number, or if it be fractional, then the next highest integral number, shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive assembly district; the rotation then being in this manner, to wit: if there be fifty-six candidates for supervisors and twenty assembly districts, numbered from twenty-five to forty-five, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

Spaces for Name and for Voting Cross.

(e) The candidate's name shall be printed in brevier type and shall be enclosed by lines above and below, a half inch apart. Half-inch spaces shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates

(f) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

ing thereon, be paid out of the treasury of the city and county, that such cost be the least of any reasonable and practicable. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment thereon, the board of public works, in making up the statement showing the work cost and expense, shall first deduct from the whole cost and expense such cost and expense as has been ordered to be paid out of the treasury. Thereon, and from the balance thereof, it shall then and thereupon assess upon the lots, parts of lots, and lands in the assessment district or districts in which the same are situated, and in the manner hereinbefore referred to and provided.

Several Companies May Use

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this chapter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operating under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

CHAPTER AMENDMENT No. 12

That a new chapter be added to Article VI of said charter, to be known and designated as Chapter VIII, to read as follows:

CHAPTER VIII

TUNNELS, SUBWAYS AND VIADUCTS

Supervisors May Order Construction

SECTION 1. The board of supervisors are hereby empowered to order the construction of any tunnel, subway or viaduct, or any part or part of any such project, street, avenue, lane, alley, plaza or court within the city and county, or any other part of the city and county, or in its right or power, and to locate and select the city and county may that when an easement or right of way therefore, and to bear the cost and expenses thereof upon private property, in the manner and under and subject to the provisions, powers, restrictions and limitations in Chapter III and Chapter VII of this article, provided for street work and street improvement.

Purchase of Land and Right of Way

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition by purchase or condemnation, and to acquire by purchase or by condemn and acquire, any and all land, or any easement or right of way thereon, thereon, thereunder or thereon, and any interests, profits and emolument for any purpose mentioned in S. 1 of this chapter, and to bear the damages, costs and expenses thereof upon private property, in the manner and under and subject to the provisions, powers, restrictions and limitations in Chapter III and Chapter VII of this article, provided for the opening, extending, straightening, or closing up, in whole or in part, of any street, avenue, lane, alley, court or plaza.

City May Pay Part of Cost.

SEC. 3. The board of supervisors may, in its discretion, order that not more than one-half of the whole of the costs and expenses of any of the work or constructions in Sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such fund as the board of supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment thereon, the board of public works, in making up the assessment thereon for such cost and expense, shall first deduct from the whole cost and expense such part thereof as has been ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands in the assessment district or districts to be assessed thereon, and in the manner hereinbefore referred to and provided.

Several Companies May Use

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this charter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operating under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

CHARTER AMENDMENT No. 14.

That Section 5, Article I be amended so as to read as follows:

Section 5. No recourse shall be had against the city and county, or any board of officers thereof, for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, none of which has been finally accepted by the supervisors of the city and county as by law, or as in this charter provided, nor shall there be any recourse against the city and county, or any board or officer thereof, for damage to person or property suffered or sustained by reason of accident on any such sidewalk, street, avenue, lane, alley, court or place; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in any such sidewalk, street or public highway, shall be liable to the party injured for the damage suffered or sustained.

When any portion of the roadway of a public street in the city and county which has been accepted by the supervisors as provided by law, shall be in such defective condition as to endanger persons or property in the use thereof; or when any public sewer is defective or in want of repair, it shall be the duty of the board of public works to cause any such defect in such roadway or in such sewer to be remedied or repaired. And, if through the official negligence of the said board such defect remains unremedied or unprotected, and in consequence thereof damage or loss to person or property is sustained or suffered, the said board shall be liable to the party injured for the damage sustained, *provided*, that a notice in writing directing attention to the existence of such defect and specifying the particular street and block thereof whereon or wherein such defect exists, shall have been served upon the said board at least five days before such damage shall have been sustained; and *provided further*, that there are at such time funds available to the said board for repairing or remedying such defects.

That Section 16, Chapter II, Article VI, be amended so as to read as follows:

Section 16. When, in the judgment of the board of public works, any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk thereof, in the city and county, none of which has been accepted by the supervisors as by law or as in this charter provided, shall be so out of repair or in such condition as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board is authorized to notify the owner or owners of any lot fronting on said portion of said street, avenue, lane, alley, court or place, or fronting on such portion of said sidewalk so out of repair or in such condition as aforesaid, by a notice in writing to be delivered to him, or his agent, or to any of the persons referred to in Section 19 of this chapter (and for the purposes of this section any of such persons shall be deemed the "owner"), requiring such owner to repair, or reconstruct, or improve forthwith, in such manner and with such material as the board may determine and direct, said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk in front of the lot of which he is the owner.

If said repair, reconstruction or improvement be not begun within five (5) days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the board may, if it so determine, enter into a contract with any suitable person at the expense of such owner for the doing of the work of the required repair, or reconstruction, or improvement, after the following proceedings as in this section hereinafter provided shall have been taken by the board.

The board shall cause a notice inviting sealed bids for the doing of said required work to be conspicuously posted in its office for three days (legal holidays excepted), together with the specifications for such required work. The said notice shall specify the day and hour when such sealed bids must be delivered to the board, and shall contain a general description of the work to be done, the time within which the work is to be commenced and when to be completed, and the amount of the certified check hereinafter provided for as a guaranty for the faithful performance of the contract, and shall refer to the specifications posted therewith. On the day and at the hour specified in said notice, the board shall assemble and remain in session for at least one hour, and all such bids shall be delivered to the board while it is so in session and within the hour named in the said notice. At the expiration of the hour stated in the said notice within which the bids will be received, the board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the secretary. The board shall award the contract to the lowest responsible bidder, if in its judgment the bid of such bidder is reasonable and just.

The board may for good cause reject any and all bids and must reject the bid of any party who has been delinquent or unfaithful in any former contract awarded to him by the board.

No bid shall be considered by the board unless it be accompanied by a check, certified by a responsible bank, payable to the order of the clerk of the supervisors of the city and county, for an amount determined by the board and specified in the said notice inviting bids. Such check shall be held by the board as a guaranty that

engineers and pilots of fireboats, to engineers, mechanics and employees of the auxiliary fire system or of the corporation yard, or to clerks in the office of the commission; but the age of such persons in this proviso named shall, at the time of their appointment, be not less than twenty-one nor more than fifty-five years. *and, provided, further,* that employees and appointees in this proviso named shall not be subject to nor derive any benefit from the provisions of Chapter VII of this article relating to firemen's relief fund.

CHARTER AMENDMENT No. 19.

That Chapter 2 of Article III of said charter be amended by adding three new sections to be known as Sections 7a, 7b and 7c, to read as follows

City May Purchase.

Section 7a. All franchises for street railways or franchises for railways crossing any street granted under this charter shall be subject to the right of the city and county, upon the payment therefor of a fair valuation plus the bonus hereinafter mentioned, to purchase and take over the tangible property and plant including leases of any real property necessary to such plant owned by the grantee of any franchise granted under this charter, his or its successors or assigns and used in the exercise of such franchise. Such valuation shall not include any value of the franchise or right of way through the streets or any earning power of such property. The valuation shall include as part of the costs of the plant, interest on actual investments during the period of construction prior to the commencement of operation. If the purchase be made within ten years from the time the franchise is granted, the city and county shall pay to the grantee, his or its successors or assigns, in addition to the amount of such valuation, a sum or bonus not less than ten per centum nor more than twenty per centum in the discretion of the arbitrators hereinafter provided for, of the actual cost of construction of the road and of the actual cost of all other tangible property owned by the grantee, his successors or assigns, in use, and usable for the purposes for which the franchise was granted. If the purchase be made more than ten years after the granting of the franchise then the said bonus shall be ten per cent. Such valuation shall be made and the proceedings therefor initiated upon call for the same by ordinance passed by the board of supervisors or the electors. On the passage of such an ordinance the mayor shall within thirty days appoint two arbitrators and forthwith notify the owner of said franchise of their appointment by written notice addressed as follows: "To the owner of the franchise for (inserting the name of the franchise)" and left at the office of the company operating or owning the said franchise, and call upon such owner in such notice to appoint within thirty days two arbitrators and notify the mayor of their appointment. Such arbitrators shall meet and appoint a fifth arbitrator and shall make the valuation provided for herein. In the event that such arbitrators shall be unable to agree on a fifth member within ten days from the date of the appointment of the last arbitrator so appointed, they shall request the justices of the supreme court of California to name one of their number to act as such arbitrator. If the said justices refuse, or fail for fifteen days, to appoint one of their number to serve as such fifth arbitrator, then each of the arbitrators therefore appointed shall propose a person to serve as such fifth arbitrator. The names of the persons so proposed shall be written on slips, and at a time and place designated not less than twenty-four hours in advance by the mayor, one slip shall be drawn by lot by the mayor in open meeting, in the same manner that the names of jurors are drawn from the jury box, and the person whose name is so drawn shall be the fifth member of the board of arbitration. If the arbitrators for the owner of the franchise refuse or neglect for five days to propose such names the mayor shall act as fifth arbitrator. The life of no franchise granted under this charter shall extend beyond thirty days after such notice to the owner of the franchise shall have been served as above, unless he shall have appointed such two arbitrators within such period. If any arbitrator shall die, be declared incompetent, absent himself from the State or otherwise become unable to act on such board, the vacancy shall be filled in the manner in which he was originally appointed. Upon the filing of the decision of said arbitrators, the board of supervisors shall submit to the qualified voters in the manner provided for the acquisition of any public utility, the acquisition of the said franchise, plant and property and the issuance of bonds for payment therefor. If two-thirds of the electors voting on the proposition shall approve the same, then and not otherwise, the amount of the valuation so determined and any bonus payable hereunder, shall be paid to the owner of said franchise and railroad as soon as said bonds are sold and the property and plant shall become the property of the city and county. Such bonds may, with the consent of the owner and at the discretion of the board of supervisors, be taken at not less than par by the said owner in payment for said utility. The mayor shall tender such moneys or the said bonds to said owner and unless within ten days thereafter he shall accept the same, and transfer said property to the city and county, the said franchise shall thereupon expire and all liability of said city and county to pay the above money or bonds or any sum whatsoever for such properties shall cease. Upon the acceptance of such money or bonds, the said franchise shall be extinguished.

Wages and Hours of Employees

SEC. 75. Every practical skill, trade, art, profession, or service, or industry, or occupation, or craft, or manual labor, or any one of them, shall be paid one hour from twelve o'clock to one o'clock, and one hour from seven o'clock to eight o'clock, on the same day and week, and shall be paid the same to be completed within ten hours. *Provided*, that nothing in this section shall be construed to prohibit any person or persons, male or female, from being paid for any work actually done, and such work shall be paid for on such other basis.

Penalties

SEC. 76. Failure to comply with any of the conditions provided by this charter or any other laws or ordinances which may be enacted in the city of Spokane, shall result in suspension of the franchise and the seal and other emblems thereon. There shall be no power in the mayor or supervisors to remove from such franchise or from any such condition.

CHAPTER AMENDMENT No. 27

That a new section be added to Article XVI to be headed "Section D" to read as follows:

Section 41. It is hereby expressly supplied that all amendments to the charter submitted and adopted by the people of the city of Spokane, shall be subject to the designation of any person or persons, male or female, including the mayor, supervisors, and officer or employee, shall not take effect until July 1, 1911.

CHAPTER AMENDMENT No. 28

That a new section be added to Chapter VII of Article IX, to be headed "Section 10," to read as follows:

Section 10. All officers who were elected under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the fund in this chapter provided for, the sum of forty-five dollars a month, prior and after July 1, 1911.

CHAPTER AMENDMENT No. 29

That Section 2 of Chapter I of Article II of said charter be amended to read as follows:

Salaries of Supervisors

Section 2. The board of supervisors shall consist of eighteen members, all of whom shall hold office for two years and be chosen from the city and county at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least two years next preceding his election. Each supervisor shall receive a salary of two hundred dollars a month.

Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall be entitled to a seat in the board of supervisors and to participate in its debates, but shall not be entitled to a vote and to any compensation.

CHAPTER AMENDMENT No. 35

That Section 1 of Chapter VII of Article IV of said charter be amended to read as follows:

THE RECORDER

Qualifications. Term. Salary. Appointee.

Section 1. There shall be a recorder of the city and county who shall be an elector of the city and county at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and shall hold office for two years. He shall receive an annual salary of four thousand dollars. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; two assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; nine clerks, who shall each receive an annual salary of fifteen hundred dollars; one machinist, who shall receive an annual salary of fifteen hundred dollars; one messenger, who shall receive an annual salary of twelve hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than six cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred and twenty-five dollars a month.

CHAPTER AMENDMENT No. 38

That Subdivision 24 of Section 1 of Chapter II of Article II be amended to read as follows:

24. To fix hours of labor or service required of all laborers in the service of the city and county, and to fix their compensation, provided that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be three dollars a day.

That Section 1 of Chapter III of Article II be amended to read as follows:

Section 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the city and county, as well as for all subsistence, supplies, drugs and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this charter, must be made by the supervisors, with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper, and no purchase thereof or liability therefor shall be made or created except by contract.

Except as otherwise provided in this charter, the board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the city and county for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the city and county of ten per centum of the amount of the bid, payable at sight to the order of the clerk of the supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general and shall state that the conditions and schedule may be found in the office of the clerk of the board of supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners, the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The clerk of the supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

All bids shall be sealed and delivered by the bidder to the clerk of the supervisors, and opened by the board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the supervisors and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the city and county must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be three dollars a day. Any contract for work to be performed for the city and county which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

CITY AND COUNTY OF SAN FRANCISCO,) ss.
STATE OF CALIFORNIA.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

P. H. MCCARTHY,
Mayor of the City and County of San Francisco.

W. R. HAGERTY,

Clerk of the Board of Supervisors of the City and County of San Francisco.
Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring

Also:

Insert in Section 3, line 2, page 2, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 4, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 5, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 7, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 9, after the word "stallion", first occurring therein the words: "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 9, after the word "stallion", occurring therein a second time, the words "or jack".

Amendment adopted.

Also:

Insert in Section 3, line 12, after the word "stallions" the words: "and jacks".

Amendment adopted.

Also:

Insert in Section 4, line 2, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 4, line 5, after the word "stallions" the words: "or jacks".

Amendment adopted.

Also:

Strike out the word "curby" in Section 4, line 10, page 3, and insert in lieu thereof the word "faulty".

Amendment adopted.

Also:

Insert in Section 4, line 2, after the word "hook:", the following: "laryngeal, hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus's dance, crampiness, shivering, straggling); glanders, farcy; maladie du coit; urethral gleet; mange;"

Amendment adopted.

Also:

Add to Section 4, after the word "disease", in line 11, page 3, the following: "and the said board is hereby authorized to refuse its certificate of enrollment for any stallion or jack affected with any one of the diseases herein above mentioned, and to revoke the previously issued enrollment certificate of any stallion or jack found on subsequent examination and investigation to be so affected."

Amendment adopted.

Also:

Insert in Section 5, line 2, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 5, line 3, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Strike out the word "or" in Section 5, line 3, and insert in the space the following: "non-standard bred."

Amendment adopted.

Also:

Insert in Section 5, line 6, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Strike out the word "breed" in Section 5, line 12, and insert in the space the following words: "stallion or jack".

Amendment adopted.

Also:

Insert in Section 6, line 1 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 6, line 3 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 6, line 6 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Strike out the word "or", after the word "grade", in Section 6, line 10 thereof.

Amendment adopted.

Also:

Insert in Section 6, line 10, thereof, after the word "cross-bred" the words: "non-standard bred."

Amendment adopted.

Also:

Add to Section 6, after the word "breed", the following words: "and it shall be illegal to print or advertise any misleading reference to the breeding of such stallion or jack, his dam or his sire."

Amendment adopted.

Also:

Insert in Section 7, line 1 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 8, page 4, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 9, page 4, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 15 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 18 thereof, after the letters "D. C.", the words: "and is of pure breeding."

Amendment adopted.

Also:

Insert in Section 7, line 19 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

In Section 7, line 21 thereof, after the word "unsoundness" leave a blank or dotted line, in length the width of the page.

Amendment adopted.

Also:

Add in Section 7, line 26, after the figures "19.," the words: "at Sacramento, Cal."

Amendment adopted.

Also:

Insert in Section 7, line 27 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 30 thereof, after the word "stallion", the words: "or jack."

Amendment adopted.

Also:

Insert in Section 7, line 31 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 37 thereof, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 43 thereof, on page 5, after the word "unsoundness" a blank or dotted line, in length the width of the page.

Amendment adopted.

Also:

Add in Section 7, line 48, page 5, after the figures "19—", the words: "at Sacramento, Cal."

Amendment adopted.

Also:

Insert in Section 7, line 71 thereof, after the word "unsoundness" a blank or dotted line, in length the width of the page.

Amendment adopted.

Also:

Add in Section 7, line 76, after the figures "19—", the words: "at Sacramento, Cal."

Amendment adopted.

Also:

Add and insert in Section 7, numbering two lines 75 and 76 and immediately following line 76, the following:

The license certificate issued for a pure Standard blood stallion shall be in the following form:

CALIFORNIA SECTION 7. Running and Bred:

Certificate of non-stamped blood stallion: No.

The producer of the stallion: (name).

Owned by.

Bred by.

DESCRIBED AS FOLLOWS:

Color.

Fealed in the year. has been duly examined, and it is hereby certified and found that said stallion is fit to be registered as standard blood, and for the purpose of this license is pure standard blood. Although recorded in the non-standard department of the American Breeding League.

The above named stallion has been examined by.

Veterinarian, and is reported as free from infectious diseases, all transmissible disease or unsoundness.

and is licensed to stand for public service in the State of California.

19.

This license expires on.

(Signed)

Secretary California Stallion Registration Board
19. at Sacramento, Cal.

Dated this.

Amendment adopted.

Also:

Insert in Section 7, line 78, page 6, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 79, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Insert in Section 7, line 83, after the word "stallion" the words: "or jack".

Amendment adopted.

Also:

Strike out the word "not" in Section 7, line 84 thereof.

Amendment adopted.

Also:

Strike out the word "pure", in Section 7, line 86 thereof, and insert in lieu thereof the word "mongrel".

Amendment adopted.

Also:

Insert in Section 7, line 92 thereof, after the word "unsoundness" a blank or dotted line, in length the width of the page.

Amendment adopted.

Also:

Add in Section 7, line 97, after the figures "19—", the words: "at Sacramento, Cal."

Amendment adopted.

Also:

Strike out in Section 8, line 1 thereof, the figures "\$2.00", and insert in lieu thereof the figures "\$2.50".

Amendment adopted.

Also:

Insert in Section 8, line 3 thereof, after the word "stallion" the words "or jack".

Amendment adopted.

Also:

Insert in Section 8, line 5 thereof, after the word "stallion" the words "or jack".

Amendment adopted.

Also:

Insert in Section 8, line 10 thereof, after the word "stallion" the words "or jack".

Amendment adopted.

Also:

Strike out in Section 8, line 15 thereof, the figures and words "50 cents", and insert in lieu thereof the figures "\$1.00".

Amendment adopted.

Also:

Add to Section 8, after line 16 thereof, numbering the same as 16a, etc., the following: "A fee of \$1.00 shall be paid for a duplicate license certificate, upon proof of the loss or destruction of the original certificate".

Amendment adopted.

Also:

Insert in Section 9, line 1 thereof, page 7, after the word "stallion" the words "or jack".

Amendment adopted.

Also:

Insert in Section 9, line 5 thereof, after the word "stallion" the words "or jacks".

Amendment adopted.

Also:

Insert in Section 9, line 8 thereof, after the word "asked" a comma.

Amendment adopted.

Also:

Insert and add in Section 9, line 10, after the word "made" a comma, and add the following words: "; but the owner of the stallion or jack shall have the right to select a veterinarian legally qualified to practice as such in this State, to act with such examining veterinary, and in case these two shall fail to agree upon a verdict or decision these two veterinarians shall appoint a third qualified veterinarian, with the consent and approval of said board and owner, who shall act as referee therein, and the decision of said referee shall be final."

Amendment adopted.

Also:

Insert in Section 11, line 4 thereof, after the word "stallions" the words "and jacks."

Amendment adopted.

Also, Senate Bill No. 192—An Act to amend several laws relating and therein eight of the Code of Civil Procedure, relating to the procedure for which the right to eminent domain may be exercised, by adding a new subdivision therein to be known as subdivision 10.

Also, Senate Bill No. 371—An Act to amend section six hundred eighty and six hundred eighty-one of the Penal Code, relating to the punishment of certain third rate larceny, and providing for same to be given to the Board of Prisoners and State Department of Public Works to be held.

Have had the same under consideration, and respectfully report the same back and recommend that the same be passed.

CURTIN, Chairman pro tem.

Senate Bills Nos. 82, 192 and 372 ordered on file for second reading.

Also

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Judiciary, in today's report passed Senate Bill No. 83—An Act to amend section 2700 of the Penal Code of the State of California as amended by Act approved March 18, 1906, relating to the punishment of persons sold for debt without their consent and the said report recommending and recommending that the same be passed and recommending that the same be passed after amended to conform to the amendment proposed by the committee.

CURTIN, Chairman pro tem.

THIRD READING OF SENATE BILL—1911 JAN 26 1911.

Senator Curtin moved to take up consideration of Senate Bill No. 83.
Motion carried.

MOTION TO REFER TO SPECIAL COMMITTEE ON ONE.

Senator Curtin moved to refer to Senator Campbell as a special committee of one, to amend as follows:

By striking out of Section 1, line 28, the word "and" that word "severally" and inserting in line 28, the word "jointly" and inserting in line 29, the following: "and jointly" leaving that one word, it should read "jointly and severally" and leaving when read to the State the following: "and in the case of such corporations, which are in the ownership of a person or persons, and in the case of such corporations, which are in the State an unincorporated firm, or all persons, who should have received notice of such property for each year from the time of the filing of the same, according to the law for each year, and in the case of such corporations, which are in the State, and in the case of such property, which are in the State, and in the case of such property, which are in the State."

MOTION

Senator Royden moved that the amendment to Senate Bill No. 83 be printed in the Journal and further consideration of Senate Bill No. 83 postponed.

Motion duly seconded.

Motion carried.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON PETITION.

SENATE CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: Your Committee on Judiciary, in today's report passed Senate Bill No. 427—An Act to amend Section 2700 of the Penal Code of the State of California, relating to grand jurors, their duties and powers.

Also, Senate Bill No. 481—An Act to amend the laws relating and therein certain provisions of the Penal Code, relating to the punishment of persons sold for debt without their consent and the said report recommending and recommending that the same be passed and recommending that the same be passed after amended to conform to the amendment proposed by the committee.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be passed.

CURTIN, Chairman pro tem.

Senate Bills Nos. 427 and 481 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1911

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended and be re-referred to the Committee on Finance.

CURTIN, Chairman pro tem.

Senate Bill No. 462 ordered re-referred to Committee on Finance.

SECOND READING OF BILLS—RESUMED.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Senate Bill No. 351 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

During the second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 13, strike out all of lines 13 and 14, and insert in lieu thereof the following: "unless it shall appear from facts shown by affidavit or by the verified complaint that great or irreparable injury would"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 159 was temporarily passed on file, in the absence of the author, to retain its place.

INTRODUCTION AND FIRST READING OF BILLS, ETC. (OUT OF ORDER).

By Senator Estudillo: Senate Bill No. 614—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and

providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Strickland: Senate Bill No. 416—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to income and taxation, and the return of excess taxes collected by the assessor on certain personal property, where a lower rate has been fixed.

Bill read first time, and referred to Committee on Revenue and Taxation.

THIRD READING OF SENATE BILLS—(NOT IN ORDER)

Senate Bill No. 114—An Act to amend section three hundred and thirty-seven a of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Avey, Bell, Ellis, Hendall, Jones, Chapman, Brown, Burnett, Cammello, Campbell, Carthy, C. Ellis, Coffey, Lusk, G. Gates, Hiram, Howard, Hurd, J. and J. Larkins, Lewis, Morrison, Ross, S. Sanford, Sisson, Strickland, Thompson, Turner, and Walker—30.

NOES—Senators Cassell, Fann, Rogers, and White—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Senators Avey, Bell, Ellis, Hendall, Jones, Chapman, Brown, Burnett, Cammello, Campbell, Carthy, C. Ellis, Coffey, Lusk, G. Gates, Hiram, Hewitt, Hobbam, Hurd, J. and J. Larkins, Lewis, Morrison, Ross, S. Sanford, Sisson, Strickland, Thompson, Turner, Walker, and Wells—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be known as section six hundred and four "a," providing for the formation of religious corporations.

Also: Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten *a* relating to contracts for attorneys' fees made by and for the benefit of minors, to the trying of such fees by the courts whenever judgments shall be pronounced by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Also: Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Also: Senate Bill No. 287—An Act to amend section ten hundred and ten of the Code of Civil Procedure, relating to service of notice of an order or ruling of court.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 240, 447, 241, and 287 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 79—An Act to amend Section 1300*a* of the Political Code of the State of California, relating to the county clerk's fees.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 79 and 278 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS— (OUT OF ORDER).

By Senator Martinelli: Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Cullen: Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 618—An Act creating the office of superintendent of public accounts, prescribing the duties and powers of such superintendent, and fixing his compensation, and also imposing certain duties with relation to public accounts upon the State Board of Examiners.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bejor: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 4½, relating to appeals in criminal cases.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, providing that certificates of acknowledgments or jurats

Hare, Hewitt, Holohan, Hurd, Jailliard, Larkins, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Welch—33.

NOES—Senators Hans, Martinelli, Sanford, Wolfe, and Wright—5.

Senate Constitutional Amendment No. 8 ordered engrossed and transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 5—Read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Concurrent Resolution No. 3—A resolution approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 3 ordered referred to Committee on Municipal corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII, of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty a, relating to the issuance of county bonds.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 115 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 28—An Act to add a new section to the Political Code, to be numbered 40854, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Also: Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties and for the further protection of bee culture,'" approved March 13, 1883, approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 28 and 17 read first time.

Assembly Bill No. 28 ordered referred to Committee on Fish and Game.

Assembly Bill No. 17 ordered referred to Committee on Agriculture, Dairy and Food and Vice Interests.

[illegible]

At ten o'clock and five minutes p. m., on motion of Senator Burnett, the President declared the Senate adjourned until Friday, January 27, 1911, at ten o'clock and thirty minutes a. m.

12-11-11

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Friday, January 27, 1911

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators: Avey, B.D., E., Hurd, Black, Brown, Hagan, Kinnick, Cunniff, Curren, G., Gillingham, G., Johnson, J., Jones, H., S. H., Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Ross, Roth, Samuel, Sharkey, S., S., Thomas, Tread, Walker, W. Walby, and Wright. 38

Quorum present

PRAYERS

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE.

Senator Rebag was, on motion of Senator Cassidy, granted leave of absence for this day, owing to continued illness.

Senator Campbell was, on motion of Senator Holehan, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 26, 1911, the further reading was dispensed with, on motion of Senator Rush.

QUESTION OF PERSONAL PRIVILEGE.

Senator Gates arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I rise to a question of personal privilege. On yesterday, in the course of some remarks sponsored by me on the suffrage amendment then pending before the Senate, I related an incident occurring many years ago in my own personal experience, which may have been regarded as a reflection upon a great race. The words sprung unthoughtfully in the heat of speech and without any intention or purpose to reflect or impute a discredit upon any person or people.

I desire now to disavow and to disclaim any intention to cast any imputation or the slightest reflection upon the Irish race, a people whose private virtues, whose splendid history and whose great public service to mankind have always elicited and held my sincerest respect and my warmest admiration.

I make this statement in justice to the members of this Senate who may have regarded such remark as just cause for resentment, and in justice also to myself.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Also: Senate Bill No. 469—An Act to amend an Act entitled, "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Also: Senate Bill No. 467—An Act to validate municipal bonds.

Also: Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California and prescribing a penalty for the violation of such section.

Also: Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 102f, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes and other appliances.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 191, 469, 467, 536, and 537 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also: Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the state.

Also: Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two a of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Also: Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Also: Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one a, relating to the payment of money into the county treasury.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 105, 106, 107, 249, 501, 458 and 117 ordered on file for second reading.

Also: Senate Bill No. 153—An Act appropriating money for the erection and equipment of school building at the Preston School of Industry.

Also: Senate Bill No. 154—An Act appropriating money to purchase tools to be given to the paroled boys who have learned various trades at the school when they are released from the school.

Also: Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

Also: Senate Bill No. 157—An Act appropriating money for the purchase of books and library improvements at the Preston School of Industry.

Also: Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 364—An Act appropriating money for the purchase of a stand pipe and water pipes to repipe grounds and buildings of the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 366—An Act appropriating money to be expended in the erection and equipment of a hospital building on the grounds of the Whittier State School.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Finance.

FINN, Chairman.

Senate Bills Nos. 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, and 371, ordered re-referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 216—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to Committee on Finance.

STROBRIDGE, Chairman.

Senate Bill No. 216 ordered re-referred to Committee on Finance.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 264—An Act to amend Section 596a of the Political Code of the State of California, relating to insurance.

Also: Senate Bill No. 267—An Act to amend Section 453b of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

Have had the same under consideration, and respectfully report the same back and recommend that same do pass.

ROSEBERRY, Chairman.

Senate Bills Nos. 264 and 267 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Also: Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Also: Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to Committee on Finance.

WOLFE, Chairman.

Assembly Bills Nos. 329, 337 and 338 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 28—An Act to provide for the enlargement and alteration of the state pathological laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 37—An Act to provide equipment for the state pathological laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 380—An Act to provide for the construction of a new building upon the grounds of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 381—An Act to provide for the purchase of an additional lot for use of the State Normal School at San Francisco, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 28, 37, 379, 380 and 381 ordered re-referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Sanford: Senate Bill No. 620—An Act providing for the regulation of the liquor traffic in the State of California.

Bill read first time, and referred to Committee on Public Morals.

By Senator Rush: Senate Bill No. 621—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Lewis: Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Bill read first time, and referred to Committee on Irrigation.

By Senator Martinelli: Senate Bill No. 623—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also, Senate Bill No. 624—An Act to provide for the transfer from the Whittier State School at Whittier of the girls committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter committed under said law, and to establish, maintain and locate in the county of Contra Costa, State of California, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The California Training School for Girls," and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Bills: Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also, Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also, Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two, providing for an assistant inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Cassidy: Senate Bill No. 628—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Gates: Senate Bill No. 629—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine, relating to the issuance of preferred stock by corporations.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 630—An Act amending section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Senator Avey: Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 632—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city" and providing the procedure therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 633—An Act to supplement an Act known as the "San Diego Seawall Act of 1909," approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 634—An Act to amend the Political Code by adding a new section to be numbered Section 2609.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Walker: Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 636—An Act to empower the Fish and Game Commissioners to purchase or lease uncultivable marsh and slough lands upon which any one who has taken out a hunting license may, during the season for killing game, hunt upon such lands.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hare: Senate Bill No. 639—An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and preservation and restoration.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Caminetti: Senate Bill No. 640—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 thereof.

Bill read first time, and referred to Committee on Banking.

By Senator Boynton: Senate Bill No. 641—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Bill read first time, and referred to Committee on Corporations.

By Senator Thompson: Senate Bill No. 642—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 644—An Act to amend sections one, two, three, four, six, seven, sixteen, eighteen, twenty-one and twenty-seven of an act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of navigable streams and water courses, for the preservation of the navigation thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Waffey: Senate Bill No. 645—An Act to amend Section 2953 of the Civil Code, relating to what personal property may be mortgaged.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Bill read first time, and referred to Committee on Judiciary.

By Senator Juillard: Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations (therein), and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all acts and parts of acts in conflict with this Act.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Black: Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnew State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also, Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnew State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Birdsall: Senate Joint Resolution No. 11—Relative to the continuation by the United States of surveys for the construction

of storage reservoir sites for the impounding of flood waters in the Sierra Nevada Mountains in the State of California, and asking that an appropriation be made for forwarding the work as speedily as possible.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Welch: Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of firearms.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was passed, to be placed at the foot of the file.

Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees," approved April 12, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Criswight, Cassel, Cushing, Finn, Gates, Haas, Harb, Hewitt, Holahan, Hurd, Juilliard, Lathrop, Lewis, Matthews, Reagin, Roseberry, Rush, Sanford, Shanahan, Stetson, Stedrick, Thompson, Tyrell, Walker, Welch, Wells, and Wright—35.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was passed, to be placed at the foot of the file.

Senate Bill No. 277—An Act to amend an Act entitled, "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and

release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child" as established in said Section 1.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES: Senators Axtell, Burr, Fernald, French, Harriman, Howard, Johnson, Cuthbertson, Gosselin, Foss, Gorton, Howe, Hunt, Hutton, Hunk, Jellison, Larkin, Lewis, Marshall, Rogers, Rosendine, Smith, Stetson, Stevens, Thompson, Tipton, Walker, Ward, White, and Wright, 20.
 NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. ROYSE IN THE CHAIR.

At eleven o'clock and fifteen minutes a. m. Hon. A. E. Royse, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—HOUSE.

Senate Bill No. 278—An Act to amend Section 182 of the Penal Code relating to the prosecution of petty offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES: Senators Axtell, Burr, Fernald, French, Harriman, Howard, Johnson, Cuthbertson, Gosselin, Foss, Gorton, Howe, Hunt, Hutton, Hunk, Jellison, Lewis, Marshall, Rogers, Rosendine, Smith, Stetson, Stevens, Thompson, Tipton, Walker, Ward, White, and Wright, 20.
 NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, corporation issuing the same.

Read third time.

The question being on the passage of the bill.

SENATOR STETSON IN THE CHAIR.

At eleven o'clock and twenty minutes a. m., Senator Stetson, of the Fifteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

MOTION.

Senator Wright moved that Senate Bill No. 163 be re-referred to Committee on Judiciary.

Motion duly seconded.

MOTION TO AMEND.

Senator Hurd moved to amend previous motion by inserting:

Committee on Labor, Capital and Immigration, in lieu of Committee on Judiciary.

Motion to amend duly seconded.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Sanford, the hour of recess was extended one hour and twenty minutes.

THIRD READING OF SENATE BILL NO. 163—(RESUMED)

SUBSTITUTE MOTION.

Senator Sanford moved as a substitute for all pending motions that Senate Bill No. 163 be re-referred to the Committee on Judiciary, and retain its place on the file.

Substitute motion duly seconded.

Substitute motion carried.

QUESTION OF PERSONAL PRIVILEGE.

Senator Sanford arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I wish to make my position plain upon this matter. In referring to the Judiciary Committee the other day I would say that my remarks were intended in a jocular way. I have the utmost confidence in the members of the Judiciary Committee. In regard to this labor bill I will say that I am not posing as a friend of labor. I am a friend of labor, and my record of sixteen years in the Legislature will prove that fact. The monthly pay law, of which I was the author and which passed the Legislature of 1897 and signed by Governor Budd, was held to be constitutional by the Superior Judge of Mendocino County. It was afterwards held to be constitutional by Judge W. W. Morrow of the United States Circuit Court. This law was upheld and obeyed for a number of years. In the course of time, however, the attorney who represented the mill companies and opposed the constitutionality of the law became a member of the old Supreme Court Commission, and it was he who declared the monthly pay law unconstitutional. It is my desire to place another law on the statute books that will compel corporations and every one else to pay their men in cash, or the equivalent, and thus prevent the workingman from being robbed of his wages. All I desire is to secure the passage of a law that will hold water and stop this evil, known as the pay-check system.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 165—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bill No. 165 ordered referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS—(CONT'D BY JAMES.)

By Senator Estrella: Senate Bill No. 622—An Act to amend Section 2292 of the Penal Code of California, relating to the subject of cruelty to animals.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 623—An Act to provide for the appointment of humane officers, with the power of peace officers, to have the authority in any city or county, or city and county in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hanks: Senate Bill No. 634—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Bill read first time and referred to Committee on Commerce and Navigation.

REPORT OF PERMANENT COMMITTEES.

The following report of standing committee was received and read:

JUDICIARY—JAMES CASSIDY, Chairman.

Senate Chamber, Sacramento, January 25, 1911.

MR. PRESIDENT: Your Committee on Engraving and Enrollment have examined the following:

Senate Joint Resolution No. 10—Resolving to Enroll the following:

Also, Senate Bill No. 446—An Act to amend Section 2400 of the Civil Code, relating to removal of persons and things to be kept in the county jail.

Also, Senate Bill No. 458—An Act to amend the Penal Code of the State of California, by adding a new section, relating to the punishment of persons, relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes.

Also: Senate Bill No. 376—An Act to amend the Penal Code of the State of California, by adding a new section, relating to the punishment of persons, relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes.

Also, Senate Bill No. 275—An Act to amend the Penal Code of the State of California, by adding a new section, relating to the punishment of persons, relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes.

Also, Senate Bill No. 26—An Act to amend the Penal Code of the State of California, by adding a new section, relating to the punishment of persons, relating to the punishment of persons for the commission of certain crimes, and relating to the punishment of persons for the commission of certain crimes.

And report that the same have been properly engrossed.

CASSIDY, Chairman.

Senate Joint Resolution No. 9 ordered transmitted to Assembly.

Senate Bills Nos. 459, 378, 376, 215, and 26 ordered on file for third reading.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until Monday, January 30, 1911.

Senator Finn was, on his own motion, granted leave of absence until Monday, January 30, 1911.

QUESTION OF PERSONAL PRIVILEGE.

Senator Welch arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was unavoidably absent from the Senate Chamber when Senate Bill No. 114 came up, out of order, for final passage. Had I been in my seat on the roll call I would have voted for the bill, as I did two years ago when this matter was being considered, and when public sentiment was greatly aroused.

RECESS.

At one o'clock and fifty minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:
By Senator Cassidy:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to purchase for the use of the Committee on Engrossment and Enrollment, one copy of Kerr's Annotated Codes, Henning's General Laws and one copy of Webster's Unabridged Dictionary, the same to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

LEAVE OF ABSENCE.

Senator Welch was, on motion of Senator Wright, granted leave of absence until Monday, January 30, 1911.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 375 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Curren, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious.

social, and benevolent corporations and other corporations not organized for pecuniary profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Senators Avery, Bell, Bill, Russell, Brown, Bryant, Burnett, Camarillo, Cartwright, Cassidy, Cullen, Curren, Escondido, Gages, Hays, Howell, Houchan, Hunt, Larkin, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Sirobridge, Thompson, Tyrrell, Walker, and Wright—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Avery, Bell, Bill, Russell, Brown, Bryant, Burnett, Camarillo, Cartwright, Cassidy, Cullen, Curren, Escondido, Gages, Hays, Howell, Houchan, Hunt, Larkin, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Sirobridge, Thompson, Tyrrell, Walker, and Wright—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 passed by the following vote:

AYES—Senators Avery, Bell, Bill, Russell, Brown, Bryant, Burnett, Camarillo, Cartwright, Cassidy, Cullen, Curren, Escondido, Gages, Hays, Howell, Houchan, Hunt, Larkin, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Sirobridge, Thompson, Tyrrell, Walker, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Senators Avery, Bell, Bill, Russell, Brown, Bryant, Burnett, Camarillo, Cartwright, Cassidy, Escondido, Gages, Hays, Howell, Houchan, Hunt, Larkin, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Sirobridge, Thompson, Tyrrell, Walker, and Wright—28.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to the county clerk's fees.

Senate Bill No. 79 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

Senate Constitutional Amendment No. 7 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 223—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

Read third time.

On motion of Senator Rush, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors.

Read third time.

On motion of Senator Roseberry, Senate Bill No. 257 was temporarily passed on file, to retain its place.

Senate Bill No. 193—An Act to repeal section four thousand and forty-nine *a* of the Political Code of California, relating to the annual statistical report prepared and published by boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Gates, Hans, Hewitt, Holahan, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367*c*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Senate Bill No. 376 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 378—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 367*d*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while

Senate Bill No. 240 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Senate Bill No. 241 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Senate Bill No. 302 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one, to amend as follows:

By striking out of Section 1, line 2, all after the word "follows".

MOTION.

Senator Caminetti moved that the amendment to Senate Bill No. 79 be printed in the Journal, and further consideration of Senate Bill No. 79 postponed.

Motion duly seconded.

Motion carried.

SECOND READING OF SENATE BILLS.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2, strike out the word "and", and insert in lieu thereof the following: "is".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 2, line 54, after the word "principal" insert the following: "vice-principal of the school, or secretary of the board of school trustees or board of education".

Amendment adopted.

Also

On page 1, Section 2, line 7, strike out the word "engrossed" and insert in lieu thereof the following: "enrolled."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 319—An Act to regulate the sale of poultry and eggs.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 4, line 4, after the word "last" add the words: "in preference thereof."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are infants.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 122—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto, to be known as Subdivision 1d.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 372—An Act to amend sections six hundred eighty and six hundred eighty-one of the Unified Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 427—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand juries, their power and duties.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, strike out the figures "10" and also the parentheses.

Amendment adopted.

Also:

On page 2, Section 1, line 10, strike out the figure "5" and the parentheses.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 481—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, section title, line 1, strike out the word after the word "Enable" and insert the word "unincorporated".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "all" insert the word "incorporated."

Amendment adopted.

Also:

On page 1, Section 1, line 8, strike out the word "twenty" and insert in lieu thereof the following: "five".

Amendment adopted.

Also:

On page 1, Section 2, line 2 before the word "society" insert the word "incorporated".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Bill read second time, and ordered on file for third reading.

SENATOR ESTUDILLO IN THE CHAIR.

At three o'clock and five minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 341.—An Act making an appropriation to pay the deficiency in the appropriation for care of state prisons, clothing and transportation of same, feeding and medical expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 342.—An Act making an appropriation to pay the deficiency in the appropriation for years 1901 and 1902 laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 343.—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 344.—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 345.—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expense of the publication of the San Diego Seaside Act under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 347.—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act under the provisions of Chapter 187, Statutes of 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 348.—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act under the provisions of Chapter 407, Statutes of 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 349.—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the Surveyor's office for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 350.—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 83.—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Consideration of pending amendment in Senate Bill No. 83 temporarily passed on file, in the absence of the author.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," in effect March 2, 1883, as amended by an Act approved March 5, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES. Senators Avey, Bell, Bond, Burdick, Burdison, Canning, Cartwright, Cassidy, Curtin, Curtis, L. Smith, Gates, Hans, Hewitt, Holden, Hunt, J. Hildard, Karlins, Reagin, Rosenkrantz, Sanford, Sherriden, Stetson, Strickland, Thompson, Walker, and Wright: 27.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES. Senators Bell, Bond, Burdick, Burdison, Canning, Cassidy, Curtin, Egerton, Gates, Hans, Hewitt, Holden, Hunt, J. Hildard, L. Smith, Reagin, Rosenkrantz, Sanford, Sherriden, Stetson, Strickland, Thompson, Turner, Walker, and Wright: 24.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BILLS.

SENATE CHAIRMAN. Sacramento, January 27, 1911.

Mr. President: Your Committee on Rules has today received Assembly Concurrent Resolution No. 7, and the petition of citizens, observing the tenth day of January, 1911, and that the same were duly referred and transmitted to the Senate, and respectfully request that it be referred to the Committee on Contingent Expenses.

BOYSTON, Chairman.

Assembly Concurrent Resolution No. 7 ordered referred to Committee on Contingent Expenses.

ON LAWS, RESOLUTIONS AND RESOLUTIONS.

SENATE CHAIRMAN. Sacramento, January 27, 1911.

Mr. President: Your Committee on Laws, Council and Administration, to whom was referred Senate Bill No. 471, An Act to amend an Act entitled "An Act to establish and support a Bureau of Indian Sentinels," approved March 2, 1886, by attaching sections one and two, and by adding to the appointment and term of office of Commissioner of Bureau of Indian Sentinels, the words "and to amend and repealing all Acts or parts of Acts in conflict herewith," and the same, and in consideration, and respectfully report the same agree and recommend that it do pass.

LARLINS, Chairman.

Senate Bill No. 471 ordered on file for second reading.

PRESIDENT PRO TEM. IN THE CHAIR.

At three o'clock and twenty-five minutes p. m., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(CONT'D.)

By Senator Hurd. Senate Bill No. 652—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California", approved February 20, 1889.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Bills. Senate Bill No. 653—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Martinelli. Senate Bill No. 654—An Act making an appropriation for the completion and construction of additional walls, walls, chapel, domestic building and stables at the State Prison at San Quentin, the installation and equipment of an electric light and power plant at said prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Baynton. Senate Bill No. 655—An Act to provide for the construction of cement walls on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 656—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, Senate Bill No. 661—An Act to provide for equipping and furnishing the new Training School building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

ADJOURNMENT.

At three o'clock and thirty minutes p. m., on motion of Senator Bell, the President declared the Senate adjourned until Monday, January 30, 1911, at eleven o'clock and thirty minutes a. m.

IN SENATE.

SENATE CHAMBER.

Monday, January 30, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Lieutenant Governor Albert J. Wallner, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators: Avey, Behm, Bell, Bell, Russell, Black, Brewster, Brown, Burton, Campbell, Cawwiler, Cassin, Cawwiler, Lusk, Cawwiler, Fiske, Gaden, Hays, Howe, Howie, Huchman, Hurd, Jarboe, Larkins, Jones, McPherson, Reym, Rosberry, Rush, Sanford, Sharsman, Spotsen, Strickland, Thompson, Tyndall, Walker, Welch, Wolfe, and Wright. 30.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE.

Senator Campbell was, on motion of Senator Holsham, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 27, 1911, the further reading was dispensed with, on motion of Senator Rush.

APPROVAL OF THE JOURNALS.

The Journals of Monday, January 16, Tuesday, January 17, Wednesday, January 18, Thursday, January 19, and Friday, January 20, 1911, having been corrected, were read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 7. An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same."

Also: Assembly Bill No. 46. An Act to amend Section 6229 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Also: Assembly Bill No. 171. An Act to amend Section 1322 of the Code of Civil Procedure of the State of California relating to Wills.

Also: Assembly Bill No. 369. An Act to provide for the establishment and maintenance of county free cemeteries in the State of California.

Also: Assembly Bill No. 465. An Act to amend Section 1474 of the Code of Civil Procedure, relating to rights of survivor to homestead.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 7, 46, 171, 369, and 465 read first time.

Assembly Bill No. 7 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 46 and not referred to Committee on Judiciary.
Assembly Bills Nos. 454 and 455 ordered referred to Committee on Judiciary.

Assembly Bill No. 369 ordered referred to Committee on County Government.

Also

LEGISLATIVE COUNCIL, SENATE CHAMBER, January 29, 1911

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on the first reading of Senate Bill No. 369, An Act to amend the Penal Code in relation to the crime of kidnapping, has passed the same.

Also, Assembly Bill No. 369, An Act to amend the Penal Code in relation to the crime of kidnapping, has passed the same.

Also, Assembly Bill No. 369, An Act to amend the Penal Code in relation to the crime of kidnapping, has passed the same.

and repealing inconsistent Acts, approved March 9, 1903, by adding a new section therein to read as follows: 197.

Also, Assembly Bill No. 400, An Act to amend Section 125 of the Penal Code of the State of California, relating to the crime of kidnapping.

Also, Assembly Bill No. 400, An Act to amend Section 125 of the Penal Code of the State of California, relating to the crime of kidnapping.

Also; Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-four of the Code of Civil Procedure, relating to the construction and giving effect of various orders and decrees in cases involving minors.

Also; Assembly Bill No. 518. An Act to authorize the local boards of managers of the several state hospitals for the insane, and for the confinement of the State of California to cause separate enclosed grounds and houses to be used and perform separate duties and responsibilities in the hospital of said state hospitals and homes for the insane and for the confinement of the State of California.

Also; Senate Bill No. 18—An Act providing for the management of the California Redwood Park, and amending a bill of the commissioners of the board to manage said California Redwood Park.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 578, 481, 535, 495, 239, 470, and 518 read first time.

Assembly Bills Nos. 578 and 481 ordered referred to Committee on Fish and Game.

Assembly Bills Nos. 535 and 470 ordered referred to Committee on Judiciary.

Assembly Bill No. 405 ordered referred to Committee on Education.

Assembly Bill No. 239 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 518 ordered referred to Committee on Hospitals and Asylums.

Senate Bills Nos. 102 and 18 ordered to enrollment.

MOTION.

Senator Stetson announced that it was his intention to propose six amendments to Senate Bill No. 333 on the second reading of the bill,

in addition to the committee amendments previously reported by the Committee on Corporations, and moved that all of the proposed amendments be printed in the Journal.

Motion duly seconded.

Motion carried.

RESOLUTIONS (OUT OF ORDER).

The following resolutions were offered:

By Senator Stetson:

Resolved, That 250 copies of Senate Bill No. 1333 be printed, as proposed to be amended by the committee and by the author.

Resolution read, and ordered referred to Committee on Printing.

Also:

By Senator Burnett:

Resolved, That the Secretary of the Senate be and is hereby authorized to purchase for the use of the Judiciary Committee of the Senate two copies of Kerr's Annotated Codes and Constitution of California, same to be paid for out of the Contingent Fund of the Senate.

Resolution read, and ordered referred to the Committee on Contingent Expenses.

Also:

By Senator Bills:

Resolved, That the name of James A. Hall, Watchman, at \$3.00 per day, be dropped from the roll of Attaches, and that in his stead the name of Charles E. Church be substituted as Watchman, at the rate of \$3.00 per day, said change to go into effect this day; and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Barnett, Caminetti, Cartwright, Cassady, Connor, Escobillo, Gates, Hans, Hare, Hewitt, Hollahan, Jellison, Jenkins, Lewis, Martinelli, Rogan, Rossberry, Rush, Sanford, Shannahan, Stetson, Thompson, Tyner, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626a thereof, relating to tree squirrels—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Judiciary Committee.

WALKER, Chairman.

Assembly Bill No. 98 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 253—An Act to amend Section 632b3, sometimes designated as Section 632131 of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Also: Senate Bill No. 406—An Act to prevent in the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a 'Fish and Game Preservation Fund' and unite the 'Fish Commission Fund' and the 'Game Preservation Fund' into a common fund to be known as 'Fish and

Game Preservation Fund" approved March 1, 1909, by amending section ten thereof, relating to the disposition of the funds mentioned therein. A.

Also: Senate Bill No. 424—An Act to amend Section 122 of the Penal Code of the State of California in the matter of making safe harbors and harbors (14), relating to coming through rapids in the harbor of this State.

Also: Senate Bill No. 448—An Act to prohibit the use of any means, means or works in Cache Slough and its tributaries in the counties of Stanislaus and Yuba.

Have had the same under consideration, and immediately return the same back, and recommend that they do pass.

WALKER, Chairman.

Senate Bills Nos. 253, 406, 422, 424 and 448 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 184—An Act to amend Section 629 of the Penal Code of the State of California, relating to the protection and preservation of game—fish and the same under jurisdiction, and immediately report the same back, and recommend that the same be passed as amended the same.

WALKER, Chairman.

Senate Bill No. 184 ordered on file for second reading.

WEDNESDAY, FEBRUARY 1, 1911.

Senator Birdsall asked for and was granted unanimous consent to withdraw Senate Bill No. 184—An Act to amend Section 629 of the Penal Code of the State of California, relating to the protection and preservation of game.

Senate Bill No. 184 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(CONTINUED)

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 187—An Act to amend Section 629 of the Penal Code of the State of California, relating to the protection and preservation of game—fish and the same under jurisdiction, and immediately report the same back, and recommend that the same be passed as amended the same.

Also: Senate Bill No. 350—An Act to amend Sections 629 and 630 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Have had the same under jurisdiction, and immediately report the same back, and recommend that they do pass as amended.

WALKER, Chairman.

Senate Bills Nos. 185 and 350 ordered on file for second reading.

ON ENGRESSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Engraving and Enrolling have examined Senate Bill No. 115—An Act to amend the Penal Code by adding to Article XIII of Chapter IV, Title II, Part IV thereof a new section, to be numbered section four thousand and eighty-eight, in reading (some sections of many times) and report that the same has been correctly compiled and presented the same to the Governor on this 28th day of January, 1911, at four o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Engraving and Enrolling have examined the following:

Senate Concurrent Resolution No. 9—Approving certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Also: Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

Also: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the rights of suffrage.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 9 and Senate Constitutional Amendment No. 8 ordered transmitted to the Assembly.

Senate Bills Nos. 373, 470, 460 and 461 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 372—An Act to amend section six hundred and eighty and six hundred and eighty-one of the Political Code, relating to the conversion of school funds into bonds, and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Also: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16.

Also: Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Also: Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 372, 192, 220 and 82 ordered on file for third reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 3—Approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HURD, Chairman.

Assembly Concurrent Resolution No. 3 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

REGAN, Chairman.

Senate Bill No. 182 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health.

[illegible]

Have had the same great consideration, and generally agree in some good and commendable things that is more.

1210. AN. 1.

Senate Bills Nos. 188 and 189 introduced on July 10, 1902, and passed.

Also

NEW YORK UNIVERSITY LIBRARY, 100 UNIVERSITY STREET, NEW YORK, N.Y. 10003

Mr. PIERCE: Your Committee on Federal Government Organization, in 1939, reported to the Senate and the House of Representatives a bill, H. R. 10340, entitled "An Act to strengthen the public health service and to provide for the appointment of health officers and agents of the United States in the States and Territories." Since that time various bills have been introduced in the Senate and the House under consideration, and your Committee would like to have the bill now before the press as representing your recommendations.

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Senate Bill No. 292, adopted and referred to Committee on Finance.

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S. NATHAN, J. P. KENNEDY, J. J. HANLEY, 27 JULY 2011

Mr. PRESIDENT. Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 45, An Act creating a Board of Public Commissioners for the Harbor of San Diego, during their deliberations and during their correspondence with the Senate and the House, have unanimously and respectfully recommended that it do pass.

WIT. II. (Continued)

Senate Bill No. 352 ordered on file for second reading.

11-11

SINAP: CHAMBER: S. J. GOVERNOR: J. J. J. 27 1911

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 404, An Act to provide for the improvement of the navigation of the State of California in streams of floods and the consolidation of rivers, their tributaries, and other waterways, reports, to wit: to recommend to define the duties of the Department of Engineering and of the Engineers in relation thereto, and to make an appropriation to defray the cost of surveys, plans, and estimates in connection therewith; to say that the same order consideration; and respectfully report the same back, and recommend that the same do pass and be referred to the Committee on Finance.

WELCH, CLARENCE.

Senate Bill No. 404 ordered re-referred to Committee on Finance.

ON FIFTIETH ANNIVERSARY OF THE

SENATE CHAMBER SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Elections and Privileges, to whom was referred Senate Bill No. 206, An Act to amend Sections 1106, 1107, 1205 and 1211 of the Political Code, relating to election laws, the manner of voting and the conduct of elections, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 306 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the Farmers' farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

Also: Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all maulin, or any other biological agent used within this State for the purpose of determining whether any horse, mule or ass is affected with glanders; and providing for penalties for violations of this Act.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the passing of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Also: Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BILLS, Chairman.

Senate Bills Nos. 522, 541, 542, 543, 544, 545 and 546 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases," to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as amended March 23, 1907, and as further amended March 19, 1909, by amending section two thereof as amended March 23, 1907, and as further amended March 19, 1909, section three thereof, and section six thereof as amended March 19, 1909, and section seven and a half thereof, and by repealing section four thereof and section five thereof, all relating to the duties of the State Veterinarian, his assistants and deputy, and providing for the employment of a stenographer and fixing the compensation thereof, and providing for the appointment of additional deputies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Finance.

BILLS, Chairman.

Senate Bills Nos. 548 and 549 ordered re-referred to Committee on Finance.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

ASSEMBLY CONCURRENT RESOLUTION NO. 7.

Resolved by the Assembly the same concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as herein-after provided, on February 13 and the purpose of appropriately observing the birthday of Abraham Lincoln; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and

to provide a place and by a time of both joint sessions and sessions to be convened by the Speakers of the Assembly and the President of the Senate, respectively, and any expenses not otherwise provided for for such sessions to be paid equally by the Assembly and Senate, and in their continuing funds.

Hicks had the same feelings, understanding, and sympathy for injured and scared birds, and demonstrated that it is important

WERNER, C. (1990)

Assembly Concurrent Resolution No. 7 ordered on the

11-11

Journal of the American Statistical Association 96(456): 1031-1041

Mr. PRESIDENT: Very commendable and commendable response, and which goes to show the feeling of the community.

Resolved, That the Secretary of the Society be and he be authorized to purchase for the use of the Committee on Engagement and Enrollment, one copy of Kephau's *Arithmetic* for each of the 110,000 children of the 11,000 families of the United States.

Have had the same study conclusions and suggestions repeat the same task and recommended that it be repeated.

ROBERT L. CHAMBERS

Report and resolution read

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

[illegible]

1911

11-00

SUNNY CRAWFISH SURVIVAL: JUNE 30, 1983

MR. PRESIDENT: Your Committee on Conflicting Expenses is pleased to have referred the following resolution:

It is found that the following named groups are present in some or, usually, in many of the samples examined. The groups are to be distinguished. The same letter, usually capital, is the *Common* found in the *Series*.

$$Z_{\text{eff}} = M_{\text{eff}} / S = 0.00036 \text{ cm}^2/\text{m}^2 \text{ for } \text{Al}^{+3} \text{ at } 817^\circ \text{C}$$

And that the State Comptroller "so and so" is hereby directed and ordered to draw his warrant from the reserve fund in favor of the following named person for the amount so specified by order of the State Treasurer as hereby offering and ordered to be paid in cash:

He has had the same model transformed, and respectfully report the same back and recommend that it be changed.

BURNETT, Charles.

Report and resolution read.

The question being on the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

[illegible]

2011-2012

RESOLUTION OF DEGREES

By Senator Holohan:

WHEREAS, On this day word has reached the Senate that our colleague, Senator A. P. Campbell of San Luis Obispo, has met with an irreparable loss in the death of his daughter, therefore, be it

R says on 10 that the *N* rate freely registers the sad affliction visited on Samner Campbell, and expresses its sincere sympathy for him and his family; and for it further

Resolved, That when the Senate adjourns this day it adjourn out of respect to and in sympathy for Senator Campbell in his sad bereavement.

Resolution read, and unanimously adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Birdsall: Senate Bill No. 662—An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel, or agent, stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 663—An Act defining and creating the Assembly Legislative Districts of the State of California.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Estudillo: Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 666—An Act to amend section one thousand two hundred and forty-one of the Civil Code of the State of California, relating to when a homestead is subject to execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 667—An Act to add a new section to the Penal Code of California to be designated 599g, relating to the subject of cruelty to animals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Avey: Senate Bill No. 668—An Act to amend Sections 3652, 3653, Subdivision 1 thereof, 3655, 3665, 3666, 3667, 3668, 3669, 3670, 3672, 3682, 3692, Subdivision 8 thereof, 3696, 3714, 3728, 3731, 3732, 3737, 3746, 3748, 3754, 3756, 3758, 3759, 3764, 3797, 3831 and 3866 of the Political Code of the State of California, and to add two new sections thereto, numbered 3732a and 3732b, relating to the equalization of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Curtin: Senate Bill No. 669—An Act to amend section four thousand two hundred and sixty-eight of the Political Code of California, relating to the salaries and compensation of officers and jurors in counties of the thirty-ninth class.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 670.—An Act entitled an Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent, stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 671.—An Act to regulate the practice of stationary steam engineering, the construction and operation of steam boilers, providing for the registration and licensing of persons to carry on such practice; the appointment of a Steam Boiler Inspector and State Board of Examining Engineers and Boiler Inspection.

Bill read first time, and referred to Committee on Judiciary.

By Senator Larkins: Senate Bill No. 672.—An Act to increase the number of judges of the Supreme Court of the county of Kern, and to provide for the appointment of an additional judge.

Bill read first time, and referred to Committee on County Government.

By Senator Cassady: Senate Bill No. 673.—An Act to regulate bakeries or bakershops, prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases, providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working thereon, providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Strobbridge: Senate Bill No. 674.—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Bill read first time, and referred to Committee on County Government.

By Senator Bell: Senate Bill No. 675.—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Bill read first time, and referred to Committee on Public Morals.

By Senator Hurd: Senate Bill No. 676.—An Act to amend section thirteen hundred thirteen of the Civil Code of the State of California, relating to devises or bequests by will.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 677—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415*b*, relating to the office of the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 678—An Act to conduct investigations and demonstrations for the reclamation of arid lands, and the establishment of experimental farms for such purpose, and the appropriation of money therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 13 of Article 1 thereof, to empower the Legislature to provide by law for comment by a prosecuting officer on the failure of an accused person to testify, and for instructions by the court to the jury regarding the same.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Sanford: Senate Joint Resolution No. 12—Relative to the exclusion of Asiatic immigration.

MOTION.

Senator Sanford moved that the rules be suspended, and that Senate Joint Resolution No. 13 be read at this time.

Motion duly seconded.

Motion carried.

Senate Joint Resolution No. 13 read.

MOTION.

Senator Sanford moved that Senate Joint Resolution No. 13 be taken up for consideration at this time without reference to committee.

Motion duly seconded.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended fifteen minutes.

SUBSTITUTE MOTION.

Senator Boynton moved as a substitute motion that Senate Joint Resolution No. 13 be referred to Committee on Federal Relations.

The question being on the adoption of the substitute motion, the roll was called and the motion carried by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Wright—25.

NOES—Senators Bryant, Cammett, Cartwright, Curtin, Hare, Juilliard, Lewis, Sanford, Shanahan, Welch, and Wolfe—11.

Senate Joint Resolution No. 13 referred to Committee on Federal Relations.

RECESS

At twelve o'clock and forty-five minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until two o'clock P. M.

RECONVENED

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(Continued).

By Senator Bell: Senate Bill No. 979—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work, or property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to offices and salaries in counties of the ninth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 681—An Act to add a new section to the Political Code of the State of California to be numbered 2606a, relating to San Diego Harbor franchises.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Julliard: Senate Bill No. 682—An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Caminetti: Senate Bill No. 683—An Act to amend Section 2 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 684—An Act to amend Section 23 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909, in relation to certificates of nomination for the office of United States Senator in Congress, and the compilation of returns for such office.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Cutten: Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

Senate Concurrent Resolution No. 10 referred to Committee on Public Buildings and Grounds.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Constitution Amendment No. 7.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

Senate Constitutional Amendment No. 7 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 223.—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement, and a penalty for its violation.

MOTION.

Senator Larkins moved that Senate Bill No. 223 be re-referred to Committee on Judiciary.

Motion duly seconded, and carried.

Senate Bill No. 223 ordered re-referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 257.—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

On motion of Senator Roseberry, Senate Bill No. 257 was temporarily passed on file, to retain its place.

Senate Bill No. 376.—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367*c*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section.

Senate Bill No. 376 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 378.—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367*d*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle, or other motor vehicle, and prescribing a penalty for the violation of said section.

Senate Bill No. 378 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 459.—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hewitt, Hurd,

Judford, Larkins, Lewis, Rogers, Roseberry, Ross, Sanford, Skidmore, Stinson, Tyson, Walker, Woods, Woods, and Wright—31.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460—An Act to amend Section 2469 of the Civil Code relating to the use of fictitious names, and duties of those using them.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Avey, Bell, Bells, Bristow, Buck, Burdette, Bryant, Burnett, Caminetti, Cartwright, Cassady, Chaslin, Collins, Estrella, Gates, Hale, Hawati, Hurd, Judford, Larkins, Lewis, Rogers, Roseberry, Ross, Sanford, Skidmore, Stinson, Thompson, Tyson, Walker, Woods, Woods, and Wright—31.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code relating to certificates of partnership and the execution and filing thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Avey, Bristow, Buck, Burdette, Bryant, Burnett, Caminetti, Cartwright, Cassady, Chaslin, Collins, Estrella, GATES, HALE, HAWATI, Hurd, Judford, Larkins, Lewis, Rogers, Roseberry, Ross, Sanford, Skidmore, Stinson, Thompson, Tyson, Walker, Woods, Woods, and Wright—31.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten a, relating to contracts for attorneys' fees made by and for the benefit of minors, to the fixing of such fees by the courts whenever judgments shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 passed by the following vote:

AYES—Senators Avey, Roban, Bell, Bells, Burdett, Buck, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassady, Chaslin, Collins, Estrella, Gates, Hale, Hawati, Hurd, Judford, Larkins, Lewis, Macomber, Rogers, Roseberry, Sanford, Skidmore, Stinson, Thompson, Tyrrell, Walker, Woods, Woods, and Wright—34.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new

section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curtin, Cotten, Estudillo, Gates, Hans, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cotten, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bill No. 302—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

Senate Bill No. 302 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cotten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Julliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 373 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Burton, Black, Buckner, Brown, Burnett, Casmann, Cavanaugh, Connelley, Corbin, Cullen, Davidson, Gann, Harbo, Harbo, Hewitt, Holman, Hurd, Judd, Latham, Latham, Long, Matthews, Rags, Ragsdale, Rish, Sanford, Shattuck, Smith, Sweeney, Thompson, Tupper, Walker, Wells, Wills, and Wright—37.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

On motion of Senator Tyrrell, Senate Bill No. 470 was temporarily passed on file, to retain its place.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three-fourths of a jury may render a verdict in criminal cases, except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

SPECIAL ORDER SET

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 13 be made a special order for Tuesday, February 7, 1911, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Senate Bill No. 82 was temporarily passed on file, in the absence of the author to retain its place.

PRESIDENT PRO TEM. IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 372—An Act to amend section six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds, and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 372 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI, of the Constitution of the State of California.

Senate constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—36.

NOES—None.

Senate Constitutional Amendment No. 2 ordered engrossed and transmitted to the Assembly.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Senate Bill No. 84 was temporarily passed on file, in the absence of the author, to return its place.

Senate Bill No. 79.—An Act to amend Section 44064 of the Political Code of the State of California, relating to the county clerk's fees.

Senate Bill No. 79 was temporarily passed on file, in the absence of the author, to return its place.

SECOND READING OF SENATE BILLS

Senate Bill No. 191.—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 16, strike out the word "and" and insert in lieu thereof the following: "and."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 469.—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 15, strike out the words "assess, sell, or offering for sale", and insert in lieu thereof the following: "and using the same, sell or assessment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES

Senator Estudillo moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SECOND READING OF SENATE BILLS—RESUMED.

Senate Bill No. 467.—An Act to validate municipal bonds.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 5 and 6, strike out the words "mentioned herein", and insert in lieu thereof the following: "permitted by law".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 536.—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass,

nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Senate Bill No. 536 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402½, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

Senate Bill No. 537 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Bill read second time, ordered engrossed, and on file for third reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Tyrrell the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 684 read first time.

MOTION.

Senator Tyrrell announced that Assembly Bill No. 684 is identical with Senate Bill No. 470, and moved that Assembly Bill No. 684 and Senate Bill No. 470 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 684 and Senate Bill No. 470 ordered referred to Committee on Engrossment and Enrollment.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER)—RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

[illegible]

Also, As such, Pub. No. 100, Art. 1, § 1, Section 1000 of the Fishery Code of the State of California, entitled as the division of fishery.

Also, Assembly Bill No. 1-A, A.S., which amended Sections 1941 and 1942 of the Code of Civil Procedure of the State of Connecticut relating to the filing of answers, permits for residential

Also, Assembly Bill No. 677, An Act to amend Section 1000 of the Code of Civil Procedure of the State of California, provides to prohibit a person who is not an owner of the property from

providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article, food, drug, or cosmetic, that such article, food, drug, or cosmetic is so labeled or stamped as to comply with the requirements of this Act, and that the labeling or stamping is in accordance with the requirements of this Act.

Also, A. S. C. 11, 12, N. 100, An Act to amend the laws relating to the office of Civil Process Clerk, Chapter 100, enacted by the Council of the Government of the District of Columbia, is hereby approved and the provisions thereof shall take effect on the date of the adjournment of the Council.

U. H. MEYERHOFF, Chief Clerk of the Assembly,
P. O. Box 6, New York, Assembly Office.

Assembly Bills Nos. 611, 636, 400, 1, 2, 347 and 469 read first time.

Assembly Bill No. 611 ordered not read to Committee on Finance.

Assembly Bills Nos. 601, 1, 62, and 469 ordered referred to Committee on Judiciary.

Assembly Bill No. 549 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 406 referred to Committee on Education.

Also:

Approved by the Board of Directors, January 20, 1931

MR. PRESIDENT: I am pleased to inform your committee that the Assembly on this day passed Senate Bill No. 414. An Act to amend section three hundred and thirty-seven of the Penal Code, relating to growing and cultivating and selling look-alike fruits and waxes, and removing the prohibition for the selling thereof.

Below, \mathbf{M} and \mathbf{P} are $n \times n$ matrices, \mathbf{A} is a $n \times 1$ column vector, \mathbf{F} is a scalar and \mathbf{g} is a $n \times 1$ column vector. The summation is over the index i from 1 to n .

Also, Nuremberg, N. J., An Act on Evidence in Criminal Cases, 1900, provided the same, and providing for posthumous forfeiture, and for the competency and evidence at the trial thereof.

Also, Senate Bill No. 22, An Act to amend and reenact the "Berg-Bell" of the State, flag of California.

Also, Senate Courtesy in Resolution No. 1: Assigning two senators, incumbents to the charter of the City of Santa Barbara, in the name of Santa Barbara State of California, and one and elected to the judicial district of the County of Santa Barbara at the general municipal election held there on the 7th day of December, 1909.

Also: Separate Joint Resolution No. 9—Relating to Kinsale port and harbor.

L. R. MALLORY, Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 114, 32, 34, and 291 ordered to enrollment.

Senate Concurrent Resolution No. 3 ordered to enrollment.

Senate Joint Resolution No. 9 ordered to enrollment

MOTION.

Senator Burnett announced that Assembly Bill No. 29 is identical with Senate Bill No. 161, and moved that Assembly Bill No. 29 be recalled from the Committee on County Government, and re-referred to the Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 29 ordered recalled from Committee on County Government, and re-referred to Committee on Engrossment and Enrollment.

SECOND READING OF SENATE BILLS—RESUMED.

Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Bill read second time, ordered engrossed, and on file for third reading.

SENATOR WELCH IN THE CHAIR.

At three o'clock and ten minutes P. M., Senator Welch, of the Nineteenth District, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 264—An Act to repeal Section 596*a* of the Political Code of the State of California, relating to insurance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 267—An Act to repeal Section 4537 of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing "An Act entitled 'An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and

duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon" approved April 1, 1878," and also repealing "An Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,'" approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

On motion of Senator Stetson, Senate Bill No. 333 was temporarily passed on file, to retain its place.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11, and 12, and relating to the government of municipal corporations and providing for the recall, initiative, and referendum.

During the second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 12, strike out the word "twenty-five", and insert in lieu thereof the following: "forty".

Amendment refused adoption.

Also:

On page 4, Section 11, line 19, strike out the word "twenty-five", and insert in lieu thereof the following: "thirty".

Amendment adopted.

Also:

On page 4, Section 11, line 27, strike out the word "ten", and insert in lieu thereof the following: "twenty".

Amendment adopted.

Also:

On page 4, Section 11, line 30, strike out the word "twenty-five", and insert in lieu thereof the following: "thirty".

Amendment adopted.

Also:

On page 4, Section 11, line 37, strike out the word "pass", and insert in lieu thereof the following: "have passed".

Amendment adopted.

MOTION.

Senator Hurd moved to amend Senate Bill No. 360 as follows:

By striking out of Section line 12, the word "twenty-five", and inserting in lieu thereof the following: "thirty-three".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Bill read second time, ordered engrossed, and on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 327 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estabille, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom were referred Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define

and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

And Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks, for the purpose of amendment.

Have examined the same, and report that the same are identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL

Senator Tyrrell asked for and was granted unanimous consent to withdraw Senate Bill No. 470—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act, in relation to the office and term of office of the Superintendent of Banks.

Senate Bill No. 470 withdrawn, and ordered stricken from file, and in lieu thereof Assembly Bill No. 684 placed on second reading file of Assembly bills.

THIRD READING OF ASSEMBLY BILLS (RESUMED).

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 328 finally passed by the following vote:

AYES—Senators Avey, Bell, Bells, Black, Boynton, Bryan, Cassinelli, Cartwright, Cassidy, Curtin, Cutton, Fennell, Hans, Hare, Hewitt, Holsahan, Hard, Larkins, Lewis, Martinelli, Rogan, Rossberry, Rush, Safford, Shannon, Sorenson, Stralinger, Thompson, Tyrrell, Walker, Welch, Wolf, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for and to the State Agricultural Society for the sixtieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 finally passed by the following vote:

AYES—Senators Avey, Bell, Bells, Boynton, Bryan, Cassinelli, Cartwright, Cassidy, Curtin, Cutton, Fennell, Gates, Hans, Hare, Hewitt, Holsahan, Hard, Larkins, Lewis, Martinelli, Rogan, Rossberry, Rush, Shannon, Sorenson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolf, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 336 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—35.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 339 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 341 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Cammerell, Cartwright, Cassidy, Curtin, Cutten, Escondido, Hare, Hewett, Hobbs, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Stradbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WOLFE IS THE CHAIR.

At three o'clock and forty minutes P. M., Senator Wolfe of the Twenty-first District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(FIRST MEET.).

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 342 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Cammerell, Cartwright, Cassidy, Curtin, Cutten, Escondido, Hare, Hewett, Hobbs, Hurd, Juddard, Lewis, Martinelli, Roseberry, Sanford, Stradbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 343 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Cammerell, Cartwright, Curtin, Cutten, Escondido, Hare, Hewett, Hobbs, Hurd, Juddard, Lewis, Martinelli, Regan, Roseberry, Sanford, Stradbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 344 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346—An Act transferring money from the general fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd,

Juddard, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, Wolfe, and Wright—23.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the Surveyor's office for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 349 finally passed by the following vote:

AYES—Senators Avey, Bell, Baskall, Black, Beaverson, Barnett, Cannanelli, Cartwright, Cassidy, Cutton, Estabrook, Gates, Hare, Howitt, Holdeman, Hurd, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, Wolfe, and Wright—23.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 finally passed by the following vote:

AYES—Senators Avey, Bell, Baskall, Black, Beaverson, Barnett, Cannanelli, Cartwright, Cassidy, Cutton, Estabrook, Gates, Hare, Howitt, Holdeman, Hurd, Juddard, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Wolfe, Wolfe, and Wright—30.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Stetson moved to reconsider the motion heretofore passed, whereby the committee amendments to Senate Bill No. 333 were ordered printed in the Journal.

Motion duly seconded.

Motion carried.

PROPOSED AMENDMENTS TO SENATE BILL NO. 333.

The following amendments were proposed by Senator Stetson:

PROPOSED AMENDMENT NO. 1.

On page 5, Section 10, lines 3, 4, and 5, strike out the following: ". and such portions of street railroad systems as are operated outside of incorporated municipalities."

PROPOSED AMENDMENT NO. 2.

On page 18, Section 24, lines 37 and 38, after the word "imprisonment", insert the following: "in the county jail".

PROPOSED AMENDMENT NO. 3.

On page 18, Section 24, line 49, after the word "imprisonment", insert the following: "in the county jail".

PROPOSED AMENDMENT No. 4.

On page 24, Section 31, line 8, after the word "rehearing", insert the following: " , or the going into effect of this Act."

PROPOSED AMENDMENT No. 5.

On page 24, Section 31, line 11, after the comma after the word "commission", insert the following: "theretofore made."

PROPOSED AMENDMENT No. 6.

On page 27, Section 37, after the end of the section add the following:

"Nothing in this Act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications, at full rates, to the proprietors and employees of such newspapers and other publications."

INTRODUCTION AND FIRST READING OF BILLS—OUT OF ORDER.

By Senator Stetson: Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Bill No. 686—An Act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, and the protecting of the banks thereof, and to provide for the means of payment thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Martinelli: Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining, and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California, and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Finn: Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Bill read first time, and referred to Committee on Education.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Tuesday, January 31, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER

Tuesday, January 31, 1911

Pursuant to adjournment, the Senate met at eleven o'clock a. m. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Adee, Hoban, Bell, Hill, Bullock, Black, Mayne, Bryant, Burnett, Caminetti, Coons, Cullen, Egan, Fawcett, Fox, Gentry, Hahn, Hays, Hendon, Holahan, Hurd, Ingham, Larkin, Lewis, Marshall, Rogers, Rosendorn, Rush, Sanford, Sherman, Sweeney, Stewart, Thompson, Tully, Walker, Wells, Weller, and Wright—38.

Quorum present.

PRAYER

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE

Senator Campbell was, on motion of Senator Holahan, granted leave of absence for this day.

READING OF THE JOURNAL

During the reading of the Journal of Monday, January 30, 1911, the further reading was dispensed with, on motion of Senator Rush.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON ENROLLMENT AND ENROLMENT

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Engraving and Enrolment have considered the following Senate bills:

Senate Bill No. 344—An Act to regulate the public service of mailmen and clerks in the State of California.

Also, Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Also, Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Also, Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judges.

Also, Senate Bill No. 427—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand jurors, their powers and duties.

And report that the same have been carefully engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 344, 159, 349, 351 and 427 ordered on file for third reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Burnett:

Resolved, That the Controller of the State of California be and he is hereby authorized to draw his warrant in favor of the John Bousmer Co. for the sum of

\$1,019.85, in full payment of account to January 27, 1911, for the payment of furniture and fittings for the various committee rooms of the Senate, as per bill attached hereto, payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

SACRAMENTO, CALIFORNIA, January 27, 1911.

JOHN BREUNER CO.

Sold to California Senate.

January 1-27—Furniture, etc.----- \$1,019 85

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Curtin, Cutton, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Tyrrell, Walker, Welch, and Wright—32.

NOES—None.

By Senator Burnett:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Secretary of the Senate for \$100.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerk.

SUSPENSION OF RULES.

Senator Burnett moved that the rules be suspended, and the resolution taken up for consideration without reference to Committee on Contingent Expenses.

Motion carried.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Cutton, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That 250 copies of Senate Bill No. 333 be printed, as proposed to be amended by the committee and by the author—have found that the corresponding Assembly bill has already been printed, with the said proposed amendments embodied therein, and that a sufficient number of copies thereof have been obtained for use by the proponent of this resolution—have had the same under consideration, and respectfully report the same back, and recommend that no action be taken.

HANS, Chairman.

Report read and adopted.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee, The San Francisco Delegation, to whom was referred Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain, and operate a municipal street railroad over, upon, and along the lands under the control of the State Board of Harbor Com-

missioners within the said city and county of San Francisco have had the same under consideration and respectfully report the same back, and recommend that it do pass.

WILLIAM CUFFEN, Chairman.

Senate Bill No. 421 ordered on file for second reading.

ON IRRIGATION

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT, Your Committee on Irrigation, to whom was referred Senate Bill No. 420—An Act to regulate the manufacture, sale, distribution and marketing of insecticides, or fungicides, or herbicides, and for other purposes; and to regulate purchases, and to provide penalties for the violations thereof, and having had the same under consideration of the Act, duly and the same being unamended, and respectfully report the same back, and recommend that it do pass as amended in the Committee on Agriculture, Dairying, Fruit and Vine Interests.

CUFFEN, Chairman.

Senate Bill No. 439 ordered as referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also

SACRAMENTO, January 31, 1911.

MR. PRESIDENT, Your Committee on Education, to whom was referred the following Senate Bill from the Committee on Finance and Revenue:

Senate Bill No. 141—An Act providing for an appropriation of \$7500, for the purpose of buying material to rebuild sewage treatment at the Prison School of Industry.

Also Senate Bill No. 142—An Act providing for an appropriation of \$1,000 for the purpose of installing a filtration plant, and to complete clear water system at the Prison School of Industry.

Also Senate Bill No. 143—An Act providing an appropriation of \$1,000 for the purpose of purchasing necessary kitchen equipment for the canteen building at the Prison School of Industry.

Also Senate Bill No. 361—An Act appropriating money to be expended in the purchase of a boiler for the Whittier State School.

Also Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, house, dormitory at the Whittier State School.

Also Senate Bill No. 364—An Act appropriating money for the purchase of a stovepipe and water pipes to repair grounds and buildings at the Whittier State School.

Also Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for the settings of the Whittier State School.

Have had the same under consideration and respectfully report the same back, and recommend that the same do pass.

CUFFEN, Chairman.

Senate Bills Nos. 141, 142, 143, 361, 362, 364 and 369 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT, Your Committee on County Government, to whom was referred Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

HEWITT, Chairman.

Assembly Bill No. 5 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT, Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its

provisions and for the punishment of violations thereof, and appropriating money therefor—have had the same under consideration, and respectfully report the same back amended, and recommend that it do pass as amended and be re-referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 453 ordered re-referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1911

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

HURD, Chairman.

Senate Constitutional Amendment No. 15 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Also: Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 445, 399 and 451 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 30, 1911

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 207—An Act to amend Section 737 of Political Code, relating to the salaries of judges of the Superior Court—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 207 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 398—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 398 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 425—An Act to amend the law relating to the liability of employers for injuries to their employees—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Corporations.

STETSON, Chairman.

Senate Bill No. 425 ordered re-referred to Committee on Corporations.

Also: Senate Bill No. 693—An Act entitled "An Act to establish, govern, locate, construct, furnish, maintain, and conduct a technical school to be named the California Institute of Technology, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 694—An Act to amend Section 798 of the Political Code, relating to the fees of notaries public.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and Folsom Prison, and the disposition thereof.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 696—An Act to amend section one (1) of an Act entitled, "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this state, and to provide for the disposition of the products of their skill and labor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Black: Senate Bill No. 698—An Act to amend Section 3493m of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 699—An Act regulating the extraction of minerals from the waters of any stream or lake, and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 700—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere, providing for the capping or otherwise closing of wells from which natural gas flows, and providing penalties for violating the provisions of this Act.

Bill read first time, and referred to Committee on Irrigation.

By Senator Birdsall: Senate Bill No. 701—An Act to amend Section 637a of the Penal Code of the State of California, relating to the killing of birds other than game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Estudillo: Senate Bill No. 702—An Act to amend section three of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended and approved March 6, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Walker: Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals, and the fishing for salmon or trout with rod and line, and to provide revenue therefrom for game and fish preservation and restoration, and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bills: Senate Bill No. 704—An Act to pay the claim of Louis Rienzi against the State of California, and making appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newman Jetty," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 706—An Act to authorize James Tuckey to bring suit against the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hans: Senate Bill No. 707—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885; approved March 23, 1901; amended and approved March 20, 1903, and March 20, 1905, and March 2, 1907, and April 6, 1909.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Thompson: Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of her land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 709—An Act to provide for the cancellation of applications for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States land office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the

local United States land office and given a register and receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Bill read first time and referred to Committee on Judiciary.

Also: Senate Bill No. 710—An Act to amend Section 3498 of the Political Code relating to approval of applications for state lands.

Bill read first time and referred to Committee on Judiciary.

Also: Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Bill read first time and referred to Committee on Judiciary.

Also: Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time and referred to Committee on Judiciary.

By Senator Caminetti: Senate Joint Resolution No. 13—Relative to aid from the government of the United States for industrial education, and the inauguration and establishment of a national university and department of education.

Senate joint resolution referred to Committee on Education.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved: That Albert Turner be and he is hereby transferred from the position of Bill Filer, at \$4.00 per day, to the position of History Clerk at \$6.00 per day, the same to take effect forthwith.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Adee, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cassidy, Curren, Escholtz, Fern, Gale, Hans, Hewitt, Hobban, Juddard, Jenkins, Lewis, Ream, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrell, Walker, and Wolfe—31.

NOES—None.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Governor was taken up:

To the Legislature of the State of California:

There has been introduced to-day in the Senate and Assembly a bill designated "An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor," the design of which is to enable the prisoners in the state prisons to manufacture such articles, materials, and supplies as may be needed for any public use by the State, or any county or municipality, or that may be used or required in any state institution.

the brilliant and signal success which has crowned their untiring efforts; and be it further

Resolved, That a copy of this resolution be immediately transmitted by telegraph to the said House of Representatives.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended, and Senate Joint Resolution No. 14 be on file, without print or reference to committee.

Motion duly seconded.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Wolfe moved that Senate Joint Resolution No. 14 be taken up for consideration.

SENATE JOINT RESOLUTION No. 14.

WHEREAS, The House of Representatives of the Congress of the United States, has in its wisdom, this day selected the city of San Francisco as the place for holding the Panama-Pacific International Exposition in the year 1915; and

WHEREAS, The people of the State of California realize the great benefit and prestige which will accrue to the people of this State by reason of holding such exposition here; and

WHEREAS, The result of the determination of such House of Representatives has caused great rejoicing in the hearts of the people of this State; now, therefore, be it

Resolved by the Senate and Assembly of the Legislature of the State of California, jointly, That this Legislature does sincerely thank the said House of Representatives upon their said action, and the President of the United States for his friendship, and we do further congratulate and thank our Representatives in Congress and the committee of citizens in attendance at Washington in San Francisco's interest, upon the brilliant and signal success which has crowned their untiring efforts; and be it further

Resolved, That a copy of this resolution be immediately transmitted by telegraph to the said House of Representatives.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Church, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shambaugh, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

NOES—None.

Senate Joint Resolution No. 14 considered engrossed, and ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also Senate Bill No. 107—An Act to amend certain provisions relating to the town of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Also Senate Bill No. 481—An Act to create, incorporate, incorporate, and fraternal societies and associations in public, purchase, hold, manage, and sell real estate by and through trustees created or appointed for that purpose.

And report that the same have been favorably considered.

CASSIDY, Chairman.

Senate Bills Nos. 105, 106, 107, and 481 ordered on file for second reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court Judges, and providing for the appointment of (any additional) Superior Court Judges to and for the city and county of San Francisco, and providing for their compensation, in compliance with the order of the Senate, do hereby report and call for concurrence to the Committee on Engrossment and Enrollment for comparison.

HEWITT, Chairman.

MOTION.

Senator Burnett announced that Assembly Bill No. 29 is identical with Senate Bill No. 161, and moved that Assembly Bill No. 29 and Senate Bill No. 161 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 29 and Senate Bill No. 161 ordered referred to Committee on Engrossment and Enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)—RESUMED

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erecting and construction of additional cells at the state prison at San Quentin (Ch 214, Stats. 1905).

Also Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they be reported to the Committee on Finance.

FINN, Chairman.

Assembly Bills Nos. 333 and 334 ordered re-referred to Committee on Finance.

SPECIAL ORDER POSTPONED

Senator Curtin moved that the special order heretofore set for Tuesday, January 31, 1911, at eleven o'clock A. M., the same being the motion to reconsider the vote whereby Senate Bill No. 301—An Act entitled An Act to amend Section 1070 of the Penal Code, relating to

the number of peremptory challenges—was passed, be postponed until Wednesday, February 1, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

Senate Constitutional Amendment No. 7 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

On motion of Senator Roseberry, Senate Bill No. 257 was passed to be placed at the foot of the file.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Senate Bill No. 376 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 378—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle, or other motor vehicle, and prescribing a penalty for the violation of said section.

Senate Bill No. 378 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

On motion of Senator Juilliard, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Read third time.

On motion of Senator Burnett, Senate Bill No. 161 was passed, to be placed at the foot of the file.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 351 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By striking out of Section 2 line 7 the word "seven", and inserting the word "eighteen".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, JUNE 30, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 159, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

On motion of Senator Strobridge, Senate Bill No. 349, was temporarily passed on file, to retain its place.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Juilliard moved a call of the Senate.

Motion carried.

Time, twelve o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called, and Senate Bill No. 344 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Senate Bill No. 82 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 427—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand juries, their power and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Enrossment and Enrollment have examined Senate Bill No. 161. An Act to amend Section 67 of the Code of Civil Procedure of

the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

And Assembly Bill No. 29. An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

And report that the same have been read.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the standing rules of the Senate, Senate Bill No. 161 and Assembly Bill No. 29 having been reported identical by the Committee on Engraving and Enrollment, Senate Bill No. 161—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation—considered withdrawn.

And: Assembly Bill No. 29. An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation—ordered on second reading file of Assembly bills.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 9.

WHEREAS, The House of Representatives has officially recognized San Francisco as the proper place for the holding of an International Exposition to commemorate the opening of the Panama Canal in 1915; and

WHEREAS, This result has been effected in a large measure by the patriotic endeavors of many of the citizens of the State, who have unselfishly devoted themselves to the task; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the thanks of the citizens of California, expressed by their Representatives in the State Legislature, be and they are hereby tendered to the members of the Congress of the United States in both houses, and to all who have so generously aided California in securing official recognition for the Panama-Pacific International Exposition;

Further resolved, That the resolution be telegraphed to the Speaker of the House of Representatives, and to the President of the Senate of the Congress of the United States.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended, and Assembly Joint Resolution No. 9 taken up without reference to committee.

Motion duly seconded.

Motion carried.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION— OUT OF ORDER

ASSEMBLY JOINT RESOLUTION No. 9.

WHEREAS, The House of Representatives has officially recognized San Francisco as the proper place for the holding of an International Exposition to commemorate the opening of the Panama Canal in 1915; and

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Resolved by the Senate and Assembly, jointly, That the thanks of the citizens of California, expressed by their representatives in the State Legislature, be and they are hereby tendered to the members of the Congress of the United States in both houses, and to all who have so generously aided California in securing official recognition for the Panama-Pacific International Exposition;

Further Resolved, That the resolution be telegraphed to the Speaker of the House of Representatives, and to the President of the Senate of the Congress of the United States.

Assembly joint resolution read.

The question being the adoption of the Assembly joint resolution.

The roll was called, and the Assembly Joint Resolution No. 9 adopted by the following vote:

AYES—SENATORS: Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Haas, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

NOES—None.

Assembly Joint Resolution No. 9 ordered transmitted to the Assembly.

MOTION.

Senator Burnett moved that Assembly Bills Nos. 1 and 62 be withdrawn from Committee on Judiciary.

Motion carried.

MOTION.

Senator Burnett announced that Assembly Bill No. 1 is identical with Senate Bill No. 105, and moved that Assembly Bill No. 1 and Senate Bill No. 105 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 1 and Senate Bill No. 105 ordered referred to Committee on Engrossment and Enrollment.

MOTION.

Senator Burnett announced that Assembly Bill No. 62 is identical with Senate Bill No. 106, and moved that Assembly Bill No. 62 and Senate Bill No. 106 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 62 and Senate Bill No. 106 ordered referred to Committee on Engrossment and Enrollment.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 107.—An Act to amend section thirteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Avery, Roben, Roy, R. S. Ryan, Reynolds, Bryant, Barrett, Cassinelli, Cassidy, Gaston, Hewitt, Larkin, Lewis, Quinn, Rinderman, Scotland, Sherman, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 117.—An Act to add a new section to Article III, Chapter V, Title 11, Part IV, of the Civil Code, to be numbered section five thousand one hundred and one, relating to the payment of money into the county treasury.

Also, Senate Bill No. 225.—An Act to amend sections two and section four of an Act entitled "An Act to provide for the lighting of public streets, squares, parks, courts and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also, Senate Bill No. 264.—An Act to amend Section 5009 of the Civil Code of the State of California, relating to assessment.

Also, Senate Bill No. 267.—An Act to amend Section 476 of the Civil Code of the State of California, relating to life, health, accident and disability or dependent insurance on the assessment plan.

Also, Senate Bill No. 359.—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 17, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the several assessments in form of department.

Also, Senate Bill No. 458.—An Act authorizing suits against the State concerning certain real property, and regulating the procedure thereon.

Also, Senate Bill No. 471.—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Also, Senate Bill No. 501.—An Act to amend section two hundred forty-two of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 117, 225, 264, 267, 359, 458, 471, and 501 ordered on file for third reading.

REPORTS OF STANDING COMMITTEE—OUT OF ORDER.

The following reports of standing committee were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 160—An Act to amend section one thousand and seventeen of the

Political Code of California, relating to the enrolled militia—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEBAN, Chairman.

Senate Bill No. 160 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 248—An Act to appropriate the sum of two hundred and fifty thousand dollars for the acquisition of land and the erection, construction, equipment and furnishing of an armory thereon in the city of Oakland for the use of the National Guard of the State of California.

Also: Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Also: Senate Bill No. 342—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Petaluma, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Also: Senate Bill No. 343—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Santa Rosa, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Finance.

BEBAN, Chairman.

Senate Bills Nos. 248, 258, 342, and 343 ordered re-referred to Committee on Finance.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

SENATE JOINT RESOLUTION No. 14.

WHEREAS, The House of Representatives of the Congress of the United States has, in its wisdom, this day selected the city of San Francisco as the place for holding the Panama-Pacific International Exposition in the year 1915; and

WHEREAS, The people of the State of California realize the great benefit and prestige which will accrue to the people of this State by reason of holding such exposition here; and

WHEREAS, The result of the determination of such House of Representatives has caused great rejoicing in the hearts of the people of this State; now, therefore, be it

Resolved by the Senate and Assembly of the Legislature of the State of California, jointly. That this Legislature does sincerely thank the said House of Representatives upon their said action, and the President of the United States for his friendship, and we do further congratulate and thank our Representative in Congress and the Committee of Citizens in attendance at Washington in San Francisco's interest, upon the brilliant and signal success which has crowned their untiring efforts; and be it further

Resolved. That a copy of this resolution be immediately transmitted by telegraph to the said House of Representatives.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 14 ordered to enrollment.

RUSH ORDER TO PRINTER.

On motion of Senator Boynton, the Secretary was directed to issue a rush order for printing Senate Bills Nos. 695, 696, and 697.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure relating to attachment liens, and the time when such liens begin and expire.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Ellis, Baskett, Black, Boynton, Bryant, Caminetti, Caminetti, Cassidy, Cutten, Gates, Howe, Larkins, Lewis, Martinelli, Regan, Roschberry, Shaulhan, Stinson, Strobidge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Ellis, Baskett, Black, Boynton, Bryant, Caminetti, Caminetti, Cassidy, Cutten, Gates, Howe, Howitt, Hurd, Lewis, Martinelli, Regan, Roschberry, Rush, Sanford, Shaulhan, Strobidge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Ellis, Baskett, Black, Boynton, Bryant, Caminetti, Caminetti, Cassidy, Cutten, Gates, Howe, Howitt, Hurd, Larkins, Lewis, Regan, Roschberry, Rush, Sanford, Shaulhan, Strobidge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 117 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 264—An Act to repeal Section 596*a* of the Political Code of the State of California, relating to insurance.

On motion of Senator Cutten, Senate Bill No. 264 was passed, to be placed at the foot of the file.

Senate Bill No. 267—An Act to repeal Section 453*i* of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

On motion of Senator Cullen, Senate Bill No. 267 was passed to be placed at the foot of the file.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Senate Bill No. 225 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, to be numbered 752*a* and 752*b*, 852*a*, and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Cullen, Gates, Hare, Hewitt, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Cullen, Gates, Hare, Hewitt, Holdham, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Senate Bill No. 83 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to the county clerk's fees.

Senate Bill No. 79 was temporarily passed on file, in the absence of the author, to retain its place.

SUSPENSION OF RULES

Senator Martineau moved that No. 43 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SECOND READING OF SENATE BILLS

Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

During the second reading of the bill, the following amendments were submitted by committee:

On page 1, line 6, delete the word "bottle" insert the word "glass".

Amendment adopted.

Also:

On page 1, Section 1, line 6, delete the word "bottle" insert the word "glass".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402f, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 10, strike out the figures "\$50", and insert in lieu thereof the following: "fifty dollars".

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "seventy days from April after its approval", and insert in lieu thereof the following: "July 1st, nineteen hundred and eleven".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties, and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents, and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing "An Act entitled 'An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and

defining offenses of railroad and transportation companies, their officers, employees, and other persons, and providing penalties therefor; and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878"; and also repealing "An Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 3, line 7, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

Also:

On page 4, Section 5, line 5, after the word "determine" add the following: "All courts shall take judicial notice of such seal."

Amendment adopted.

Also:

On page 6, Section 12, line 7, after the word "switching," insert the following: "carrying, transporting."

Amendment adopted.

Also:

On page 6, Section 12, lines 8 and 9, strike out the words "property, and transportation of passengers," and insert in lieu thereof the following: "freight and transportation or accommodation of passengers. The term 'freight' as used in this Act shall be deemed to mean and include every animate or inanimate thing or substance of whatsoever nature, except persons, capable of being transported by any railroad or other transportation company."

Amendment adopted.

Also:

On page 6, Section 13, lines 8 and 9, strike out all after the word "state", and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 6, Section 14, line 1, strike out all following the words "Sec. 14.", and insert in lieu thereof the following: "The term rate or rates or rates of charges, as used in this Act, shall be deemed and held to mean and include all fares for transportation of passengers, all rates and charges for transportation, for demurrage, for damage, for receiving, storing, handling, delivering, and switching freight and all classification, and all charges to and demands upon the public of every kind and character direct or indirect that are demanded or made for any service whatsoever connected with or incidental to the transportation of freight or passengers, rendered or to be rendered, by any railroad or other transportation company, subject to the

provisions of this Act, including any part of Title IX hereof, which added to, changed, changed, affected or determined any part of the operation of any river, canal, or barge, or the value or cost of the service rendered in the movement of freight or passengers.

Amendment adopted.

PRESIDENT PRO TEM. ROYALTON DE JURE CHAIR.

At three o'clock P. M., Hon. A. E. Royall, President pro tem. of the Senate, in the chair.

SECOND READING OF SENATE BILL—(ROSS BILL)

AMENDMENTS SUBMITTED BY COMMITTEE TO SENATE BILL NO. 100, FIRST MEETING.

On page 6, Section 15, line 1, strike out and insert the words "Sec. 15," and insert in lieu thereof the following:

"The commission shall have the power and it shall be its duty to establish rates of charges, including port rates, for the transportation of freight and passengers by all means of water transportation, consistent with the provisions of this Act. It shall be its duty to establish reasonable rates of freight."

"The commission shall have the power to prescribe and establish, in quality or abrogate, from time to time, rules and regulations affecting the service of all river, railroad and other transportation companies, for the carrying, loading, unloading, storing, carrying, unloading, receiving, forwarding, time of transit of freight, and time of transit of passengers and affecting generally or specially the business of the public of any State connected with or incident to the transportation of freight and passengers. It shall be its duty to fix the time of transit of freight, the same to be as short as possible, and to fix the time of transit of freight approved by the Interstate Commerce Commission of the United States, to regulate through routes over connecting lines of river, railroad or other transportation companies and the terms and conditions under which such through routes shall be operated and in case the commission fix such rates, the through routes shall be of the joint rates established by the commission over such through routes to establish such divisions. Provided, however, that no such rate shall be set by any transportation company is made a party to a through route with another company, and such railroad or other transportation company, its agent, or its agent, shall be satisfied, through routes between the termini of the through route, to establish such railroad or other transportation company shall have the right to regulate its division of the joint rates, and to fix the rates of the line operated by such through route."

"The commission shall likewise have the power to require any railroad company to construct, maintain, and operate, upon reasonable terms which the commission shall have the power to fix, a second connection or second connection with the terminal of any other company or with any private railroad, or with any ship, which may be constructed to connect with its railroad, where, in the opinion of the commission, such connection is reasonably practicable and can be put in with safety and will furnish satisfactory business to justify the construction and maintenance of the same, and to furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any ship. The commission shall have the power to make rules, regulations and orders to prevent discrimination in the construction, operation, or maintenance of industrial tracks."

"The commission shall likewise have the exclusive power to determine and prescribe the manner, including the location, point of any crossing of a railroad or other transportation line by another such line, and also the terms of the installation, maintenance, use, and protection of such crossing, and to require at any crossing of one railroad by another, where the same is practicable, a separation of their grades and to prescribe the terms upon which such separation shall be made, and to prescribe, abolish, or change any crossing of a railroad by a public road or highway, and to fix the terms of the construction, maintenance, use, and protection of such crossing, and to require that such crossing be either at grade or above or beneath the tracks of the railroad, and the proportions in which the expense of installing and maintaining such crossing shall be divided between the railroad company and the county or other public authority in charge of the public highway."

"The commission shall likewise have the power to require one railroad company to switch to the industrial and team tracks upon its own, and the cars of a connecting railroad, and to prescribe the terms and compensation for such service."

"The commission shall have the power under such conditions, rules as it may deem to prescribe the amount of damage which shall be paid by any railroad or other transportation company for the failure on the part of any such company to furnish cars in accordance with such rules, and likewise the amount which any such company shall pay to any such company for failure to use cars ordered in such cases under

such rules. Such charges shall be uniform, the commission being required to prescribe the same penalty for both shipper and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this Act."

Amendment refused adoption.

Also:

On page 7, Section 16, line 4, strike out the word "and", and insert in lieu thereof the following: "and said record and certified copies thereof".

Amendment adopted.

Also:

On page 7, Section 16, lines 4 and 5, after the word "evidence," strike out the words "as well as certified copies thereof,".

Amendment adopted.

Also:

On page 7, Section 16, line 7, strike out the word "provided," and all following down to and including the word "commission", in line 19, and insert in lieu thereof the following: "Provided, however, that except in those cases where the commission adopts and establishes as the legal rates of charges, the rates of charges filed with it by a railroad or other transportation company as hereinafter provided, no rates of charges for the transportation of freight or passengers shall be established by the commission until the commission shall have given the railroad or other transportation company to be affected by said rates a reasonable opportunity to be heard upon notice of not less than twenty days of said proposed action on the part of the commission."

Amendment adopted.

Also:

On page 8, Section 17, line 1, strike out all following the words "Sec. 17," and insert in lieu thereof the following:

"Within sixty days after this Act goes into effect, unless additional time be allowed by the commission after good cause shown, each of the railroad and other transportation companies subject hereto, shall file in triplicate with the commission full and complete schedules or tariffs of all of its rates of charges for the transportation of freight and passengers, including freight classifications, as defined in section fourteen hereof, which are in force and effect at the time this Act goes into effect, together with any changes thereof, distinctly stated, which such railroad or other transportation company may desire to propose.

"Each of such railroad or other transportation companies shall also file within the same time with the commission copies of all of its rules and regulations in force affecting the public and the rendition to the public of the service of transporting freight or passengers or of any service connected therewith or incidental thereto, and shall likewise file with the commission copies of any such rules and regulations thereafter made, at least ten days before it is proposed to make the same effective, unless a shorter time be allowed by the commission.

"The railroad or other transportation companies who are parties to any agreement concerning joint freight or passenger rates and the divisions of the same in effect at the time this act goes into effect, shall likewise within the same time file a copy of such agreement with the commission, and shall likewise file with the commission a copy of any such agreement thereafter made within thirty days after the execution of the same.

"It is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of the schedules or tariffs and classifications and proposed changes therein of any such railroad or other transportation company, to establish such of the rates and classifications included therein as it may approve, and as to those not so established to proceed with the establishment of others in lieu thereof after notice and opportunity for hearing given such company as provided in section sixteen of this Act; *provided, however*, that until the establishment of such rates and classifications or the establishment of other in lieu thereof the said railroad or other transportation company filing such schedules or tariffs and classifications, and parties thereto, shall charge and collect the rates and fares in effect at the time of the passage of this Act, and that with said exception no railroad or other transportation company subject to the provisions of this Act shall engage or participate in the transportation of freight or passengers except at rates of charges and classifications which have been established by the commission.

"The names of the several railroad or other transportation companies which are parties to any joint rate shall be specified in the schedule or tariff setting forth the same filed with the commission as hereinbefore provided, and each of the parties to

such joint rate other than the one shown the schedule or tariff setting forth the same shall file with the commission a copy of the schedule or tariff setting forth the same as may be required or demanded by the commission, and when such schedule or tariff setting forth the same is filed and the same is with the commission a schedule or tariff setting forth the same shall be made.

The commission, in such case, when it finds that the schedule or tariff setting forth the same established shall give notice thereof to each of the railroad or other transportation companies affected thereby in such manner as may be prescribed by the commission, and such rate or rates, classification or classifications shall take effect at a date which shall be fixed by the commission, but it is no more than three days after the date of the commission establishing the same. It shall, however, when the same is of the railroad or other transportation company affected thereby a time may be fixed. Each of such companies shall immediately upon receiving notice of such classification of a rate or rates, classification or classifications, cause the same to be printed and posted in accordance with such rules and regulations as may be prescribed by the commission.

"Any railroad or other transportation company found to violate the provisions of a new law after this Act goes into effect shall, when so notified by the commission of the commercial operation thereof, be in violation with the commission in violation of the schedule or tariffs of all of the rates of charges, including freight classifications, over such line, and thereupon the commission shall proceed to change such rates and classifications or others as may be found to be in violation of the same, including freight.

Amendment adopted

Also—

On page 10, Section 18, line 1, after the words "Sec. 18" strike out the remainder of the section and insert in lieu thereof the following:

"All rates of charges for the transportation of passengers and freight and all classifications established by the commission shall remain in effect until changed by the commission. Between the first and fourth days of July, 1912, and annually between the first and fourth days of July hereafter each railroad and other transportation company, subject to the provisions of this Act, shall have the right to file with the commission proposed changes in its rates for the transportation of freight and passengers or in its classifications, and it is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of said proposed changes, to establish such of the rates or classifications proposed therein as it may approve, and as to those not so established to proceed to the establishment of others in lieu thereof after notice given to such railroad or other transportation company as provided in section sixteen of this Act.

Provided, however, that as to any change so proposed of a rate or rates, classification or classifications, when such rate, rate, classification or classifications is less than six months before the time of filing such proposed change, the commission shall have the authority either to establish such proposed rate or rates, classification or classifications, wholly or in part, or to reject the same without hearing.

"Any complaint filed by any railroad or other transportation company concerning any rate or rates, classification or classifications, that shall have been established within one year immediately preceding the time of filing of said complaint, or which shall not have been questioned by said railroad or other transportation company at the time of filing its proposed changes in its rates or classifications in the preceding July may be dismissed by the commission without hearing, unless there shall appear to be reasonable ground for investigating such complaint. This provision shall also apply to any person who shall have been a party either by intervention or otherwise to any hearing pursuant to which any such rate or rates, classification or classifications, shall have been established.

"In any proceeding before the commission, any person, firm, company or corporation, or any mercantile, commercial or trade association or organization, or body politic may intervene with the consent of the commission.

"The commission may at any time abolish, alter or in any manner amend any rate or classification upon notice and hearing or opportunity for hearing in the manner hereinbefore provided, and in that event each railroad or other transportation company affected thereby shall be notified thereof in such manner as shall be prescribed by the commission and thereupon the said action of the commission shall be immediately printed and posted by said company to take effect as hereinbefore provided. Nothing in this Act contained shall be construed to prohibit the commission from at any time approving and establishing any rate or rates, classification or classifications, proposed by any railroad or other transportation company, and when the commission shall approve and establish any rate or rates, classification or classifications, so proposed, the same shall be subject to change, amendment, or abrogation only as provided herein. A substantial compliance by the commission with the requirements of this Act shall be sufficient to give effect to all the classifications, rates, charges, rules, regulations, requirements, and orders made, approved and established by the commis-

sion, and none of them shall be declared inoperative because of any omission of a technical or clerical character in the establishment, or record of publication of the same."

Amendment adopted.

Also:

On page 14, Section 21, line 5, after the word "and", insert the following: "either of the commissioners and each of the officers of the commission shall have power".

Amendment adopted.

Also:

On page 15, Section 22, between lines 8 and 9, insert the following:

"The commission shall investigate the cause of all accidents on any railroad within this State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every railroad and other transportation company is hereby required to give immediate notice to the commission of every accident happening upon any line owned, operated, controlled, or leased by it in such manner as the commission may direct".

Amendment adopted.

Also:

On page 16, Section 22, lines 54 and 55, strike out the word "punishable", and insert in lieu thereof the following: "guilty of a misdemeanor, and on conviction thereof shall be punished".

Amendment adopted.

Also:

On page 16, Section 23, line 1, strike out all following "Sec. 23." down to and including the word "it", in line 3, and insert in lieu thereof the following:

"The commission shall have the power, and it shall be its duty, to prescribe a uniform system of accounts to be kept by all railroad and other transportation companies subject to the provisions of this Act, which system the commission shall have the power by order to change from time to time, and which shall conform as nearly as practicable to the system of accounts prescribed by the Interstate Commerce Commission of the United States".

Amendment adopted.

Also:

On page 17, Section 24, line 1, strike out all following the words "Sec. 24." down to and including line 15, and insert in lieu thereof the following:

"The commission may, in its discretion, prescribe the forms of accounts, records and memoranda to be kept by any railroad or other transportation company, subject to the provisions of this Act, including accounts, records and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records, and memoranda kept by the companies subject to this Act, and the commissioners and the officers and employees of the commission shall have authority to inspect and examine any and all accounts, records, and memoranda kept by such companies."

Amendment adopted.

Also:

On page 18, Section 25, lines 1 and 2, strike out the following: "in making any examination or investigation provided for in this Act."

Amendment adopted.

Also:

On page 18, Section 25, line 8, strike out the words "ordered paid" and all following to and including the word "and", in line 14, and insert in lieu thereof the following: "paid by the party at whose request such witness is subpoenaed. When any witness shall be subpoenaed whom the commission shall deem necessary, who has not been required to attend at the request of any party, the fees and mileage of such witness may be paid from the funds appropriated for the use of the commission as other expenses of the commission are paid. Any witness subpoenaed, except those whose fees and mileage may be paid from the funds of the commission, may, at the

time of service demand the fee to which he is entitled 10 per cent to and from the place at which he is required to appear and one day's attendance. Unless such fees are tendered, or the witness fails to demand the same at time of service, such witness shall not be required to attend before the commission as directed or the contrary. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by notice therefor instituted by the person to whom such fees are payable.

"In any proceeding before the commission where it is found that there is a willful violation of any rule, regulation, order or decision of the commission, all fees for the payment of witnesses of the service of process and expense of stenographic reporters incurred by the commission or by any party in such proceeding may be assessed against the party guilty of such willful violation, and shall be collectible as herein provided."

Amendment adopted.

Also:

On page 18, Section 25, line 14, strike out the word "no" and insert in lieu thereof the following "No".

Amendment adopted.

Also:

On page 19, Section 26, line 1, after the words "Sec. 26," strike out the remainder of the section, and insert in lieu thereof the following: "When an emergency arises warranting such action the commission shall have power upon the request of any railroad or other transportation company affected, or upon the request of any other person, firm or corporation interested and the concurrence of such company, to establish for a definitely limited period and make immediately effective over the lines of such company rates for the transportation of freight and passengers to be known as emergency rates."

"Emergency rates shall be immediately subject to revision according to the procedure in this Act provided for the case where rates have been in existence more than six months. Unless so revised the formerly existing rates shall continue and be in force from and after the expiration of the period fixed for such emergency rates."

Amendment adopted.

Also:

On page 20, Section 27, line 12, after the word "commission," insert the following: "and all fines".

Amendment adopted.

Also:

On page 21, Section 28, line 25, after the word "same," insert the following: "If such complaint is verified the answer shall also be verified."

Amendment adopted.

Also:

On page 21, Section 28, line 29, strike out the word "willful", and insert in lieu thereof "wilful".

Amendment adopted.

Also:

On page 21, Section 28, line 30, strike out the word "willful", and insert in lieu thereof "wilful".

Amendment adopted.

Also:

On page 21, Section 28, line 43, strike out the word "willful", and insert in lieu thereof "wilful".

Amendment adopted.

Also:

On page 22, Section 28, line 61, strike out the word "shall", and insert in lieu thereof the following: "may".

Amendment adopted.

Also:

On page 22, Section 28, line 69, after the word "situated," insert the following: "On the trial of such suit the findings or order of the commission shall be *prima facie* evidence of the facts therein stated."

Amendment adopted.

Also:

On page 23, Section 29, line 21, after the word "complaint," insert the following: "Any railroad or other transportation company subject to the provisions of this Act shall have a right to complain on any of the grounds upon which complaints are allowed to be filed under the provisions of section twenty-eight of this Act, and the same procedure shall be adopted and followed with reference to such complaint on the part of any such railroad or other transportation company as is provided in said section in the case of complaints filed under its provisions, except that the complaint filed by any railroad or other transportation company may be heard *ex parte* by the commission or may be served upon any parties designated by the commission, and that any parties interested may, when allowed by the commission, intervene and be allowed to be heard upon such complaint."

Amendment adopted.

Also:

On page 23, Section 29, line 22, strike out line 22 and all the remainder of the section and insert in lieu thereof the following:

"The commission is hereby authorized, when public interest requires, to file petitions for investigations, or complaint or complaints, with the Interstate Commerce Commission, and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the provisions of an Act of Congress of the United States entitled An Act to regulate commerce, February 4, 1887, and hereinafter designated as the Interstate Commerce Act, complaining of anything done or omitted to be done by any railroad or other transportation company or companies, subject to the provisions of the said Interstate Commerce Act, and to prosecute the same. The commission is also hereby authorized to file petitions for investigations, or complaint or complaints, and to commence and prosecute such suit or suits, in tribunals or courts of competent jurisdiction, complaining of any railroad or other transportation company or companies raising rates or entering into contracts or combinations or conspiracies to raise or maintain rates, or taking any action that will prevent or tend to prevent competition to and from, or to or from, California points, to or from points outside of California, or is in restraint of trade; and to commence and prosecute any other actions or suits against railroad or other transportation companies under the Act of Congress of July 2, 1890, being the so-called Sherman Anti-trust Act.

"The commission is hereby empowered also to co-operate with the Interstate Commerce Commission in the investigation of the justice and reasonableness of, or discriminations in, charges or facilities for transportation of passengers or freight made by any railroad or other transportation company between places or persons of or in the facilities for the transportation of the same classes of passengers or freight within this State, or coming from or going to points without this State, and to that end and for either of said purposes may arrange for and hold joint meetings with the Interstate Commerce Commission or any section thereof."

Amendment adopted.

Also:

On page 24, Section 32, line 3, after the word "act", insert the following: "or by the Constitution of this State."

Amendment adopted.

Also:

On page 25, Section 32, line 8, strike out the comma after the second word "dollars" and the remainder of that section, and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 25, Section 33, line 4, after the word "commission", insert the following: "shall be public records and".

Amendment adopted.

Also:

On page 25, Section 31, line 6, strike out all of the section following the word "commission" and insert in lieu thereof the following: "except as otherwise herein provided, and shall continue in force until modified, suspended or abrogated by the commission as herein provided."

Amendment adopted.

Also:

On page 26, Section 37, line 1, strike out all of said section following the words "Sec. 37" and insert in lieu thereof the following: "No railroad or other transportation company subject to the provisions of this Act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for freight or passengers between points within this State except to its officers, agents, employees, surgeons, physicians, attendants, and members of their families, to ministers of religion, members of households and churches and educational institutions and persons exclusively engaged in charitable and educational work and persons and property engaged or engaged in educational work when reported by the commission, to religious, charitable and benevolent purposes, and to such persons when transported by charitable societies or households and the necessary agents employed in such transportation, to persons in the national home or state homes for disabled volunteer soldiers and of soldiers and sailors' homes, including those about to enter and those returning home after discharge, to business undertakers, going and returning of the sick, property, milk, fruit and other things under uniform and nondiscriminatory regulations, to companies of steaming and companies, express companies, telegraph and telephone companies, to railway mail service employees, United States Internal Revenue officers, post office inspectors, customs inspectors and immigration inspectors when traveling in the course of their official duty, to newsmen on trains, baggage agents, witnesses attending any legal investigation in which the company is interested, persons injured in accidents at wrecks and physicians and nurses attending such persons, for the carriage of, or at reduced rates, of persons of property, for the United States, such as national governments, or for charitable purposes, or at generally less or from time and to position for exhibit thereon. Nothing in this Act contained shall be construed to prohibit the interchange of free or reduced-rate transportation between common carriers subject to this Act or to the Acts of Congress of the United States, including interstate commerce, for their officers, agents, employees, attendants, physicians, surgeons and members of their families, nor to prevent railroads or other transportation companies from entering into contracts with telegraph, telephone and cable companies for the exchange of services, nor to prohibit a carrier from transporting, free or at reduced rates, construction or other business, material or service for use or engaged in the carrying out of their contracts, provided such arrangements for free or reduced-rate carriage are made a part of the conditions upon which the contract is based or of the contract itself, nor to prohibit the carriage of passengers or property, free or at reduced rates, with the object of avoiding relief in cases of general epidemic, pestilence or other calamitous visitation. Nothing in this Act shall be construed to prevent the issuance of mileage, excursion or commutation passenger tickets, or point interchangeable mileage tickets with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand miles or more, provided that the commission may put reasonable restrictions upon the issuance and terms of such mileage, excursion and commutation passenger tickets and point interchangeable mileage tickets."

"Provided, that the term 'employees' as used in this section shall include full-length, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such company, ex-employees traveling for the purpose of entering the service of any such company, and the remains of persons dying while in the employment of any such company, and the term 'families' as used in this section shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such company."

"Provided, that no free tickets, free passes or free or reduced-rate transportation shall be issued, given or tendered to an officer, agent or employee of a railroad or other transportation company, who is at the same time a shipper or receiver of freight or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such railroad or other transportation company."

"Provided further, that members of the railroad commission, their appointees, and employees shall be entitled, when in the performance of their official duties, to free transportation over the lines of all railroad or other transportation companies within this State."

Amendment adopted.

Also:

On page 27, Section 38, line 1, after the words "Sec. 38.", strike out the remainder of the section, and insert in lieu thereof the following:

"Every railroad or other transportation company which shall issue, give or tender any free ticket or free pass or any free or reduced-rate transportation for freight or passengers between points within this State, except as authorized in section thirty-seven of this Act, shall for each offense be deemed guilty of a misdemeanor, and upon conviction shall be punished therefor by a fine of not less than five hundred dollars nor more than one thousand dollars. Every officer, agent, or employee of any railroad or other transportation company who shall issue, tender, or authorize the issue or tender of any free ticket or free pass or any free or reduced-rate transportation for freight or passenger, except as permitted by section thirty-seven of this Act, and every person soliciting, accepting, or using any such free ticket, free pass, or free or reduced-rate transportation, except as permitted by section thirty-seven of this Act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor for more than one year, or by both such fine and imprisonment; and insofar as any of the acts prohibited in this section shall be in violation of any order, rule, or regulation of the railroad commission of this State, such act shall be a contempt of the commission, and shall be punishable by the commission as elsewhere in this Act provided."

Amendment adopted.

Also:

On page 29, Section 40, line 14, after the period, insert the following: "Any person who shall solicit or procure any officer or agent of any railroad or other transportation company subject to the provisions of this Act, either by false representations or otherwise, to do any of the acts which such officer or agent is forbidden by the provisions of this section from doing shall also be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail not less than ninety days or more than one year, or by both such fine and imprisonment."

Amendment adopted.

Also:

On page 29, Section 41, line 11, strike out the word "willful", and insert in lieu thereof "wilful".

Amendment adopted.

Also:

On page 29, Section 41, line 12, after the word "act", insert the following "or officer or agent thereof".

Amendment adopted.

Also:

On page 29, Section 41, line 14, strike out the words "such rates", and insert in lieu thereof the following: "any rate, classification, rule, or regulation established by the commission".

Amendment adopted.

Also:

On line 29, Section 41, line 16, after the word "company", insert the following "or such officer or agent thereof".

Amendment adopted.

Also:

On page 29, Section 41, line 21, after the word "provided," insert the following: "And it is further provided that each day of such wilful failure upon the part of any such railroad or other transportation company or officer or agent thereof shall constitute a separate offense, and each such separate offense shall be punishable as in this section provided."

Amendment adopted.

Also:

On page 29, Section 41, line 20, after the word "insert", insert the following: "offending".

Amendment adopted.

Also:

On page 30, Section 41, line 40, after the word "insert", strike out "it" and insert in lieu thereof: "into".

Amendment adopted.

Also:

On page 30, Section 41, line 45, strike out the words "National Commission" and insert in lieu thereof the following: "Commission".

Amendment adopted.

Also:

On page 30, Section 42, line 1, after the word "and", insert the following: "and forfeitures".

Amendment adopted.

Also:

On page 30, Section 42, line 8, after the word "and", insert "or forfeiture".

Amendment adopted.

Also:

On page 30, Section 43, line 11, strike out the word "and" and insert in lieu thereof "the bubble".

Amendment adopted.

Also:

On page 31, Section 43, line 12, strike out the words "a penalty", and insert in lieu thereof: "in punitive damages in the sum".

Amendment adopted.

Also:

On page 5, Section 7, line 4, after the period, insert the following: "The assistant secretary shall have all the power conferred by law upon police officers to carry weapons, make arrests, and serve warrants and other process in any county or city and county of the State."

Amendment adopted.

Also:

On page 25, Section 32, line 10, after the word "and" insert the following: "The commission, in addition to any and all powers conferred upon it by this or any other Act or by the Constitution of this State, shall have the power to enforce any order or to enforce the performance of any duty imposed upon any railroad or other transportation company, or officer or agent thereof, by proceedings for mandamus or injunction in any court of competent jurisdiction against any such railroad or other transportation company or officer or agent thereof. This method of enforcing orders or the performance of duties is cumulative of and in addition to any other method provided in this or any other Act or in the Constitution of this State."

Amendment adopted.

MOTION.

Senator Stetson moved to amend Senate Bill No. 333 as follows:

Strike out of Section 15, line 1, in the section, the words following the words: "Sec. 15", and insert in lieu thereof the following:

"The commission shall have the power and it shall be its duty to establish rates of charges, including joint rates over through routes, for the transportation of freight

and passengers by all railroad or other transportation companies subject to the provisions of this Act. Likewise to prescribe and establish classifications of freight.

"The commission shall also have the power to prescribe and establish, or modify or abrogate, from time to time, rules and regulations affecting the public of all such railroad and other transportation companies, for demurrage, damage and for receiving, storing, carrying, handling, delivering, switching, time of transit of freight and time of transit of passengers and affecting directly or indirectly the rendition to the public of any service connected with or incidental to the transportation of freight and passengers; likewise to prescribe from time to time forms of bills of lading, the same, however, to be as nearly as practicable in the form of bills of lading approved by the Interstate Commerce Commission of the United States; to establish through routes over connecting lines of such railroad or other transportation companies and the terms and conditions under which such through routes shall be operated and, in case the companies do not agree upon the divisions between them of the joint rates established by the commission over such through routes, to establish such divisions; *provided, however*, that where any railroad or other transportation company is made a party to a through route with another company, and such railroad or other transportation company has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad or other transportation company shall have the right to require as its division of the joint rate its local rate over the portion of its line comprised in such through route.

"The commission shall likewise have the power to require any railroad company to construct, maintain and operate, upon reasonable terms which the commission shall have the power to fix, a switch connection or switch connections with the railroad of any other company or with any private sidetrack or spur of any shipper which may be constructed to connect with its railroad, where, in the opinion of the commission, such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and to furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any shipper. The commission shall have the power to make rules, regulations and orders to prevent discrimination in the construction, operation or maintenance of industrial tracks.

"The commission shall likewise have the exclusive power to determine and prescribe the manner, including the particular point of crossing of any crossing of a railroad or other transportation line by another such line, and also the terms of the installation, maintenance, use and protection of such crossing, and to require at any crossing of one railroad by another, where the same is practicable, a separation of their grades and to prescribe the terms upon which such separation shall be made and to prescribe, abolish or change any crossing of a railroad by a public road or highway, and to fix the terms of the construction, maintenance, use and protection of such crossing, and to require that such crossing be either at grade, or above or beneath the tracks of the railroad, and the proportions in which the expense of installing and maintaining such crossing shall be divided between the railroad company and the county or other public authority in charge of the public highway.

"The commission shall likewise have the power to require one railroad company to switch to the industrial and team tracks upon its own line the cars of a connecting railroad and to prescribe the terms and compensation for such service.

"The commission shall have the power under such uniform rules as it may make, to prescribe the amount of demurrage which shall be paid by any railroad or other transportation company for the failure on the part of any such company to furnish cars in accordance with such rules, and likewise the amount which any shipper or consignee shall pay to any such company for failure to load or unload cars ordered by, or delivered to such shipper or consignee under such rules. Such charges shall be uniform, the commission being required to prescribe the same penalty for both shipper or consignee and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this Act."

Amendment adopted.

Also:

Amend the title by striking out all of the title following the first two words thereof, and inserting in lieu thereof the following:

"To provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act and also repealing an Act entitled 'An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their offi-

cers, employees and other persons, and providing penalties therefor; and regarding an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads; and to increase taxation and regulate incorporation therein," approved April 1, 1878; and also regarding an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," enacted April 15, 1880; approved March 20, 1909; the following: an Act entitled "An Act requiring persons, corporations, trustees or trustees managing lines of railroads to furnish cars for shipment of freight upon certain railroads; from shippers of freight; and providing a penalty and remedy to be paid by such persons, corporations, trustees or trustees to shippers for failure to do so; and providing a penalty and damages to be paid to persons, corporations, trustees or trustees operating such railway lines by the application or shipment of freight to said or named cars so furnished," approved April 20, 1909; also regarding an Act or Acts or parts of Acts inconsistent with the provisions of this Act.

Amendment adopted.

Also:

Strike out of Section 6, line 2, the word "advised", and insert in lieu thereof the following: "subpoenas".

Amendment adopted.

Also:

Strike out of Section 6, line 10, the word "records", and insert in lieu thereof the following: "record".

Amendment adopted.

Also:

On page 24, Section 31, line 11, after the words "after the word 'commenced'", insert the following: "therefore made".

Amendment adopted.

Also:

On page 27, Section 37, after the end of the section add the following: "Nothing in this Act shall be so construed as to prohibit the payment of passenger transportation in exchange for advertising space in newspapers and other publications, at full rates, to the proprietors and employees of such newspapers and other publications."

Amendment adopted.

Also:

On page 18, Section 24, line 40, after the word "imprisonment", insert the following: "in the county jail".

Amendment adopted.

Also:

On page 24, Section 31, line 8, after the word "scheduling", insert the following: ", or the going into effect of this Act."

Amendment adopted.

Also:

On page 18, Section 24, lines 37 and 38, after the word "imprisonment", insert the following: "in the county jail".

Amendment adopted.

Also:

On page 5, Section 10, lines 3, 4 and 5, strike out the following: ", and such portions of street railroad systems as are operated outside of incorporated municipalities."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 253—An Act to repeal Section 532b3, sometimes designated as Section 632(3) of the Political Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a Fish and Game Preservation Fund and unite the Fish Commission Fund and the Game Preservation Fund into a common fund to be known as Fish and Game Preservation Fund," approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

During second reading of the bill, the following amendment was submitted by committee:

On line 6, after the word "time", strike out the words: "except a wounded deer".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

During second reading of the bill, the following amendment was submitted by committee:

On line 14, of the printed bill, strike out the word "October", and insert the word "September".

Amendment adopted.

The following amendments were offered by Senator Strobridge:

Strike out of Section 2, line 19, after the word "named" and insert "upon the first conviction thereof".

Amendment adopted.

Also:

Strike out of Section 2, line 21, after the word "California", and insert: "for the balance of said fiscal year, and upon a second, or more, conviction thereof shall have

his hunting license revoked and must be denied the privilege of obtaining a hunting license in any county of the State of California.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR CAMINETTI IN THE CHAIR.

At two o'clock and thirty minutes P. M., Senator Caminetti, of the Tenth District, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, 4225k, and all relating to county boards of health and sanitary inspectors.

During the second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 4, line 12, strike out the words after the word "provided", and add "to serve for such length of time as they may deem necessary, and said board of supervisors may terminate such appointment at their pleasure."

Amendment adopted.

Also:

On page 2, Section 4, line 5, strike out the word "County" and insert in lieu thereof the following: "City."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy nine of the Political Code of the State of California, relating to the preservation of the public health.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 352—An Act creating a Board of Pilot Commissioners for the Harbor of San Diego, defining their duties, and fixing their compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, line 18, of the printed bill, strike on the word "in", and insert in lieu thereof the word "on".

Amendment adopted.

Also :

On page 2, line 35, of the printed bill, after the word "columns", insert the following: "of sufficient width".

Amendment adopted.

Also :

On page 2, line 52, of the printed bill, strike out the word "or", and on the same line, after the word "special", insert the word "or".

Amendment adopted.

Also :

On page 3, Section 2, line 12, insert the word "to" after the word "as".

Amendment adopted.

Also :

On page 4, line 41, of the printed bill, before the word "case", insert the word "the".

Amendment adopted.

Also :

On page 4, line 48, of the printed bill, after the word "columns", insert the words "of sufficient width".

Amendment adopted.

Also :

On page 4, lines 51 and 52, of the printed bill, strike out the words "long primer lower case", and insert in lieu thereof the words "ten-point Gothic".

Amendment adopted.

Also :

On page 4, line 53, of the printed bill, strike out the words "brevier lower case type", and insert in lieu thereof "six-point bold-face type (lower case)".

Amendment adopted.

Also :

On page 4, line 57, of the printed bill, strike out the words "brevier capital type", and insert in lieu thereof the following "eight-point Roman type (capitals)".

Amendment adopted.

Also :

On page 4, line 62, of the printed bill, strike out the words "brevier lower case type", and insert in lieu thereof: "eight-point Roman type (lower case)".

Amendment adopted.

Also :

On page 5, lines 83 and 84, of the printed bill, strike out the words "printed horizontal lines one-sixteenth of an inch wide", and insert in lieu thereof "a double rule."

Amendment adopted.

Also :

On page 5, line 99, of the printed bill, after the word "by", insert the word "a".

Amendment adopted.

Also:

On page 7, line 152, of the printed bill, strike out the "inserted" after the word "columns", and insert the words "or sufficient width."

Amendment adopted.

Also:

On page 7, line 178, of the printed bill, at the end of the line after the period, insert "To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word 'Yes' or after the word 'No'."

Amendment adopted.

Also:

On page 9, line 45, of the printed bill, after the word "ballot", strike out the rest of the section, and insert in lieu thereof the following: "If the ballot mark having to change the register or otherwise in participating tools, such number as corresponds with the number marked opposite the voter's name on the register or affidavit of registration, he shall, in like manner, repeat the name and number, and shall write opposite the name the word 'voted'. The registrar shall then separate the slip containing the number from the ballot, deposit the ballot in the box, and immediately destroy said numbered slip."

Amendment adopted.

Also:

On page 10, Section 4, line 4, of the printed bill, strike out the word "and", and insert in lieu thereof the word "such."

Amendment adopted.

Also:

On page 10, Section 4, line 10, of the printed bill, after the word "inserted", insert the words "for such name."

Amendment adopted.

Also:

Amend the instructions to voters, appearing at the top of the form of ballot by inserting in line 7, after the word "purpose", the following: "To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word 'Yes' or after the word 'No'."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violations of this Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their

compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift, or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

Bill read second time, ordered engrossed, and on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

ASSEMBLY CONCURRENT RESOLUTION NO. 3.

Approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910.

WHEREAS, The city of Modesto, a municipal corporation, of the county of Stanislaus, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

WHEREAS, At a general election duly held in said city on the 11th day of April, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Modesto; and

WHEREAS, Said charter was on the 8th day of July, 1910, signed in duplicate by the members of said board of freeholders and was thereupon on said day duly returned and filed, one copy with the president of the board of trustees of said city of Modesto, and the other copy with the county recorder of the said county of Stanislaus and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Modesto Morning Herald," being a daily newspaper of general circulation, printed and published in said city of Modesto, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Modesto to the qualified electors of said city of Modesto at a special election previously duly called and therein held on the 14th day of September, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Modesto, voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole; and

WHEREAS, Said Board of city trustees of the city of Modesto, after canvassing

and returns duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter, and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with sections eight of various chapters of the Constitution of the State of California; and

WHEREAS, Said proposed charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MODESTO BY THE BOARD OF FREEHOLDERS, ELECTED ON THE ELEVENTH DAY OF APRIL, A. D. 1910.

CHARTER OF THE CITY OF MODESTO.

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ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation now existing and known as the city of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Modesto.

Rights and liabilities.

SEC. 2. The city of Modesto shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the city of Modesto shall be the same as now constituted and more particularly described as follows:

Beginning at the corner, common to sections 31, 32, 5 and 6, townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian in the county of Stanislaus, State of California; thence north along the section line between sections 31 and 32, 29 and 30 to the quarter quarter corner between the northeast quarter of section 30 and the northwest quarter of section 29, township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence east along the quarter quarter line through the center of the north half of sections 29 and 28 to the mid-quarter quarter corner of the northeast quarter of section 28 in township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence south on the quarter quarter line to the center of the channel of Dry Creek; thence meandering down stream along the center line of the channel of Dry Creek to a point where the said center line of Dry Creek intersects the center line of the channel of the Tuolumne River; thence meandering down stream along the said center line of the Tuolumne River to a point where said center line intersects the township line between townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian; thence along said township line to the corner common to sections 31, 32, 5 and 6, townships 3

and 4 south, range nine (9) east, Mount Diablo base and meridian, being the point of beginning, all lying and being in the county of Stanislaus, State of California.

The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE III.

POWERS OF THE CITY.

General Powers of the City.

SEC. 4. Without denial or disparagement of other powers held under the constitution and laws of the State, the city of Modesto shall have the right and power:

Perpetual Succession.

- (1) To have perpetual succession.

Official Seal.

- (2) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Sue and Defend.

- (3) To sue and defend in all courts and places in all matters and proceedings.

Property for Public Purposes.

- (4) To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and Donations.

- (5) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Public Works, Buildings and Institutions.

- (6) To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the state, public hitching racks and hitching and automobile enclosures, aviation landings, parks, playgrounds, places of recreation, gymnasiums, theaters, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.

Telephone, Telegraph and Transportation.

- (7) To acquire by purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Water, Light, Heat and Power.

- (8) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Sale of Products of Public Utility.

- (9) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for Public Utilities.

- (10) To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Leases of Property.

- (11) To lease to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Joint Ownership of Water Supply.

(112) To own with and in joint with or through electric corporation or corporation under the jurisdiction and laws of the state, in order to acquire and dispose within the limits of district of electric supply for municipal and domestic purposes, and to construct or join in constructing the water mains for these purposes and several purposes and works and to enter with such corporations or have been thereto, to cause their electric or any and every system with electric lines or corporations to construct the necessary and development of such system or supply of water supply and the distribution, use or disposal of such water.

Tenets.

(113) To provide for the execution of all tenets within its limits.

Emminent Domain.

(114) To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

Municipal Ownership.

(115) To provide a suitable machinery for taking over or otherwise securing municipal ownership of public utilities.

To Receive Money.

(116) To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the purposes which the city is authorized to enjoy and exercise, and to incur debts thereby, provided that in the meantime for the creation and issuance of such bonded indebtedness no general bond of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special Tax.

(117) To raise money by special tax, in addition to the general tax here provided in Section 54 of this chapter. To authorize such special tax, the provisions of Section 89 of Article XIII to the contrary, or of Section 90 of Article XIV relating to the referendum, shall be null and void and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At each election, the council may be authorized, or may when given authority, to provide the expenditure of any sum so voted before the next succeeding tax levy, to meet liabilities then due and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

Police Power.

(118) To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Improvement of Streams.

(119) To improve the rivers, streams, rivers and channels flowing through the city or adjoining the same, to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom, to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, docks, piers, or bath houses.

Grading, Opening Streets.

(120) To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and conduits, to plant trees, construct parking, and to remove shrubs and weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

Fire Department.

(121) To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Permits to Use Streets.

(122) To grant permits to use the streets or public property, revokable at any time without notice.

Regulation of Rates.

(123) To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Violation of Charters and Ordinances.

(24) To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance, but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Nuisances.

(25) To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance.

Rewards.

(26) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Engines and Boilers.

(27) To regulate the use of steam engines, gas engines, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

(28) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(29) To regulate the construction and the location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(30) To require the owners and lessors of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions Against Fires.

(31) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prohibit the carrying on of manufacturing liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

(32) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

(33) To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with tenders or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(34) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

Woods and Rubbish on Sidewalks.

(135) To control the manner of removal of buildings or grounds or woods, trees, rubbish and waste therefrom and from the street and sidewalk thereof and to be default to authorize the removal or destruction thereof by some other of the city at the expense of such owner or occupant, and to impose such expense as hereunto forth.

Billboards and Signs.

(136) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(137) To regulate and control the raising and keeping of dogs, to provide for the killing of dangerous dogs, and to regulate the ownership of horses kept by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public Pools.

(138) To license or regulate the opening of pools of water suitable and so regulated and managed as to make and maintain the distribution of water throughout of any animals running in pools.

Preservation of Health.

(139) To make all regulations which may be necessary and sufficient for the preservation of health and the suppression of diseases, to make regulations to prevent the introduction of contagious diseases, conditions or other diseases into the city, to make quarantine laws and regulations, to regulate burial and prevent the entry into the city of persons, baggage, possessions or other property infected with contagious disease.

Diseases and Offensive Conditions. (Controllable Causes.)

(140) To regulate or prohibit the opening of all structures, constructions or trades which may be of such a nature as to affect the same health or good order of the city or disturb the public peace, or which may be sources or dangers to the individuals residing in the vicinity, and to provide for the prohibition of all persons violating such regulations and the punishment of all persons who may prevent the same to be violated or not building or erect any premises which is prohibited by them, to make regulations for the suppression of unsanitary effects and nuisances.

Inspection of Food Products.

(141) To provide for and regulate the treatment by the health officer of meats, poultry, fish, game, fresh butter, cheese, bird eggs, vegetables, unwholesome food and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are diseased, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such diseased, spoiled, adulterated or unwholesome products.

Dairies.

(142) To provide for the regulation and inspection of all dairies, slaughter-houses and creameries that offer for sale or sell any of their products in the city.

Indoing, Tenement and Apartment Houses.

(143) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Stair Connection.

(144) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults and to control the connecting, draining, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(145) To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, fecal rubbish and waste matter.

Licensing Business.

(146) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and Measures.

(147) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

(48) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

(49) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(50) To fix the fees and charges for all official services not otherwise provided for in this charter.

Purchase of Property Under Execution.

(51) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

(52) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Street Grades.

(53) To establish or change the grade of any street or public place.

Light and Water.

(54) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(55) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Section 89 or Section 90 of this charter.

Closed or Abandoned Streets.

(56) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the land adjacent thereto in such wise as the council shall deem that equity requires.

Regulation of Public Utility Rates.

(57) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephone service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

(58) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

(59) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

Spur Tracks.

(60) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Police and Water.

(61.) To secure the removal and placing under control of all companies, privately elected light or water works within the city, so as to see that no monopoly is created and to regulate or modify the placing of pipes and conduits of water pipes or sewers and of the electric light and power pipes in the city.

Size and Location of Poles.

(62.) To regulate the size and location of all water pipes, gas pipes, and electric pipes and conduits laid or constructed in the streets and public places, and to require the filing of plans and maps of such pipes and conduits.

Elections.

(63.) To make all rules and regulations governing elections that may be made under this charter.

Civil Service Commission.

(64.) To establish a board of civil service and to empower a commission, to be composed of members of the board, to make rules and regulations to be made by the board. Such commission shall have the right to examine the character of all persons applying for the civil service of the city and to accept for the service of the city any person who is qualified for the same, and to reject any person who is not qualified for the same, and to make such regulations as may be necessary for the better management of the civil service of the city.

Public Construction.

(65.) To establish a public construction and to empower the commission to serve without compensation, with such powers and duties as may be fixed by the council.

National Debt Funded.

(66.) To allow not to exceed one hundred dollars in any one year for the operation of the machinery of our national government.

Money and Pensions.

(67.) To expend such sum as the council shall deem proper, not to exceed five per centum of the property tax levy in any fiscal year for money and pensions.

General Grant of Power.

(68.) To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the State, unless the council or body powers is contrary to the provisions of this charter; to exercise all other powers powers for the better management of the municipal government; to make such laws as may be necessary to carry out the provisions of this charter and to do and perform any and all other acts and things which shall be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

Liberal Construction.

(69.) Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

General Laws Followed.

(70.) In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this State where applicable and where no laws conflict with any express provision of this charter shall prevail and shall be followed.

Direct Legislation by People.

(71.) The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city.

ARTICLE IV.**ELECTIONS.**

Sec. 5. A municipal election shall be held in the city on the first Tuesday in June in the year 1911, and on the second Tuesday in April in 1913, and on the second Tuesday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivision 20 of Section 6 on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

Sec. 6. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of Candidacy.

(1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of Nomination Petition.

(2) The petition of nomination shall read substantially as follows; and shall contain the name of one candidate and no more; and shall be signed by at least twenty-five qualified and registered electors of the city:

STATE OF CALIFORNIA,)
COUNTY OF STANISLAUS,)
CITY OF MODESTO.)

Precinct-----

PETITION OF NOMINATION.

I, the undersigned, certify that I do hereby join in a petition for the nomination of ----- whose residence is at No. ----- street, Modesto, or (if candidate for office of member of board of education) Modesto city school district, for the office of ----- to be voted for at the municipal election to be held in the city of Modesto on the ----- day of ----- 19-----, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence and occupation is as placed opposite my name.

NAME

ADDRESS

OCCUPATION

Forms to be Supplied by the City Clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of the above character of uniform size.

Requirements of Certificate.

(4) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation. In case an elector has signed two or more conflicting petitions, such signatures shall be disregarded.

Date of Presenting Petition.

(5) Such petition may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall indorse thereon the date upon which the petition was presented to him.

Examination of Petitions by City Clerk.

(6) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section and is signed by the requisite number of electors. If found not to conform thereto or too to be signed by the requisite number of electors, he shall there and then in writing designate on said petition the defect or omission, or reason why such petition can not be filed and shall return such petition to the person presenting the same. The petition may then be amended and again presented to the clerk, within five days, as in the first instance. If the clerk's certificate shall show the petition to be again insufficient, it shall be returned to the person presenting the same without prejudice, however, to the presenting of a new petition to the same effect; provided said petition be presented not later than thirty days before the election. The clerk shall forthwith proceed to examine the same as hereinbefore provided, and if found to be insufficient, it shall be by the clerk rejected. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of Signature.

(7) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidates.

(97) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from consideration by filing with the city clerk a signed declaration, in writing, and no name so withdrawn shall be placed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then those candidates may be listed on the ballots thereafter and enter their names as candidates in each election.

Filing of Petitions.

(98) If either the original or the printed petition of nomination is found with twenty-five signatures as hereinbefore recorded, the clerk shall file the same in the office twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to, and no signature shall be rejected therefrom.

Preservation of Petitions.

(99) The city clerk shall preserve in his office for a period of two years all petitions of nominations and all petitions belonging thereto filed under this section.

Electoral Proclamations.

(100) Immediately after each petition is filed, the clerk shall cause the names of the candidates to be listed with the address to be filed, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as provided in the statute of Missouri, and the names shall remain until certified list of names and the address to be filed, determining whether for a full term or unexpired term, to be published in the proclamation naming the election at least ten days before the election in the year 1941, and 1942, and 1943, newspapers of general circulation published in the city of Augusta. Such proclamation shall come forth in all respects in the general shall law governing the conduct of municipal elections, now or hereafter in force, except as above required, and shall be signed by the mayor and city clerk.

Form of Ballots.

(101) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, and no alteration required in this chapter. The ballots shall contain the list of names and the provisions above, as published in the proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF AUGUSTA.

(Inserting date thereof.)

Instructions to Voters.—All voters voting by using a cross (X) indicate the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and waste the ballot void. If you wrongly mark, tear or destroy this ballot return it to the inspector of election and obtain another.

Requirements of Ballot.

(102) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all candidates printed upon the ballot shall be in type of the same size and style. A number may be provided on the right-hand side for printed addresses or other questions to be asked upon at the municipal elections as provided for under this chapter. The names of the candidates for each office shall be arranged in alphabetical order, and marking on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every Name to be on Ballot.

(103) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(104) The offices to be voted shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For councilman (if any) vote for (giving number)."

"For member of board of education (if any) vote for (giving number)."

Space for Voting Cross.

(105) Half inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(17) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

(18) The clerk shall cause to be printed sample ballots in form identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected, *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

Second Election.

(20) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided* that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes as such second election shall be declared elected to such office.

Date of Election.

(21) The said second election, if necessary to be held, shall be held on the second Tuesday after the first election.

Rules Governing Second Election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of Person Elected to Qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in Election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

(25) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election, except as otherwise in this charter provided.

Qualifications of Voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Modesto for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled

to vote upon purchasing and selling with the board of directors is authorized under the board and without need of the board vote provided that the same is approved and consented that the same request of the board, provided that he is authorized entitled to vote.

Voting Machines.

SEC. 7. In case voting machines shall be used in municipal elections, the council shall have power by ordinance, to modify the provisions of Statute in so far as may be necessary to adapt them to the use of voting machines.

ARTICLE V.

OFFICERS AND COUNCIL.

SEC. 8. The elective officers of the city of Moline shall be a mayor, four councilmen, and two members of the board of directors.

The council shall consist of the mayor and four councilmen, each of whom, holding the mayor shall have the right to vote in all questions coming before the council.

Elected at Large.

SEC. 9. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Qualification of Mayor and Councilmen.

SEC. 10. To be eligible for the office of mayor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of Moline; he or she must have been seven years residing in the city.

Vacancy in Council.

SEC. 11. If a councilman shall resign or the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointment shall require such confirmation by majority as set forth in Section 10 of this charter and shall hold office until the expiration of his term and qualified. Such councilman shall be chosen at the next general municipal election, or at the first meeting special municipal election called for any other purpose, in accordance provided in recall proceedings by the council or by voters, which meeting shall not take place less than forty (40) days after such vacancy occurs.

The person so elected shall hold office for the full term. All the provisions of Section 6, Article IV shall apply to all elections with regard to this section.

Mayor's Term of Office.

SEC. 12. The mayor shall hold office for a term of four years from and after the first Monday in May after his election, and until his successor is elected and qualified, provided, that a vacancy shall be caused at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election, and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1915.

Councilmen's Term of Office.

SEC. 13. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election, and until their successors are elected and qualified, provided, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election, and provided, further, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the terms of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first held under this charter, there shall be elected two councilmen, and at every alternate general municipal election after the first held under this charter, a mayor shall be elected.

Official Bonds.

SEC. 14. The council shall fix the amount of the bonds and the methods of their approval to be required of *supervisory officers*.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to officials bonds, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 15. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Compensation of Mayor and Councilmen.

SEC. 16. The mayor and councilmen shall receive no compensation unless the electors by ordinance proposed and adopted in accordance with Section 89 or Section 90 of this charter shall otherwise provide.

Administering Oaths. Subpoenas.

SEC. 17. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.

THE MAYOR.

The Chief Executive.

SEC. 18. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 19. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 20. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 21. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Supervision of Public Utility Companies.

SEC. 22. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance.

SEC. 23. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VII.

THE COUNCIL.

The Council, the Governing Body.

SEC. 24. All powers herein granted to and vested in the city of Modesto shall exercise as herein otherwise provided, be exercised as so granted or be determined the council of the city of Modesto. Such council shall be the governing body of the city and subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs subject to a complete system of home government consistent with the Constitution of the State.

President and Vice-President.

SEC. 25. The council shall be president of the council and shall preside at its meetings when present. The council shall elect and fill its position by one vice-president.

Meetings of Council.

SEC. 26. The council shall fix and determine the time and place of holding its meetings and the manner in which its stated meetings may be called.

Meetings to be Public.

SEC. 27. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 28. A majority of the council shall constitute a quorum for the transaction of business, but a two-thirds vote shall be necessary to pass and suspend the interpretation of pending business in the manner.

Rules of Procedure.

SEC. 29. The council shall determine its own rules of procedure, shall punish its members for disorderly conduct and suspend their attendance at the council meetings.

Ordinances and Resolutions.

SEC. 30. (1) The council shall not vote by individual or resolution.

Agenda and Veto.

(2) The agenda and vices shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the agenda and vices shall be taken and presented in any order. Every member when present must vote.

Unanimous Vote or Consent.

(3) No ordinance or resolution shall be passed or become effective without giving the affirmative votes of at least three members of the council.

Title.

(4) Every ordinance shall be provided by a brief title which shall indicate the subject and purport thereof.

Final Form of Ordinances.

(5) The enacting clause of all ordinances adopted by the council shall be, "The council of the city of Modesto do enact as follows", and the terminating clause of all ordinances adopted in accordance with the provisions of Article XIII shall be, "The People of the City of Modesto do hereby ratify and confirm."

Requirements of Ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Modesto at least three days before its adoption, and in case of amendment being made therein before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Ordinance Required in Certain Cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars, for the appropriation, acquisition, sale or lease of public property, for the levying of any tax or assessment, for the granting of any franchise, for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be used in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 31. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 32. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 88 of Article XIII, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

ARTICLE VIII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Four Municipal Departments.

SEC. 33. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to Assign Duties to the Departments.

SEC. 34. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Four Commissioners.

SEC. 35. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

The Chief Officials.

SEC. 36. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of

two or more such officers. The council shall by ordinance or by resolution prescribe the duties of each such officer.

The council shall at any time remove any officer after the expiration of his term, or at such expiration as practicable, provided by the appointment of the next officers of the city and the duties of any officer removed be assumed by the council.

Subordinate Officers and Employees

Sec. 37. The council shall have power by ordinance or by resolution to create and discontinue offices, departments, commissions, boards and commissions, and employments other than those provided for in this charter by providing the duties of filling them, to prescribe the duties of any office, to provide for the removal of the holder of the office, and to determine the mode of removal of any officer, deputy, assistant or employee, subject to the limitations provided by this charter.

Compensation of Officers and Employees

Sec. 38. The compensation of all such officers provided for by Section 36 of this charter, except those officers, commissions, boards and commissions, shall be by salary to be paid by ordinance. The council shall give its own compensation of all other officers and employees of the city, except as in this section otherwise provided. No officer or employee shall be allowed any fee, compensation, commission, reward, or compensation, apart from the salary or compensation, or grant by the council, but all fees received or due in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments

Sec. 39. Each department and commission shall prepare, at such date as may be fixed by the council, under the name of the name of all operations of such department or commission for the year.

Reports to be Published

Sec. 40. The council shall provide for the submission of the annual reports of the mayor and the several departments and commissions.

Councilman to Hold no Other Office

Sec. 41. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers Not to be Interested in Contracts or Franchises

Sec. 42. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any portion of the expense, price or consideration or interest paid for from the treasury, or by assessment levied by any act or ordinance, nor on the purposes or uses of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the receipt of any money, service, consideration, or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

The council shall enforce the provisions of this section by appropriate legislation.

Political and Religious Tests

Sec. 43. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, re-election, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

ARTICLE IX.

FINANCE AND TAXATION.

The Fiscal Year.

Sec. 44. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax System.

Sec. 45. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof

whereby assessments may be made by the assessor of the county in which the city of Modesto is situated and taxes collected by the tax collector of said county for and on behalf of the city of Modesto.

Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department Estimates of Annual Requirements.

SEC. 46. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 47. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 48. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 49. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for at least five days. They shall have power to hear complaints, and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy.

SEC. 50. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of Tax Levy.

SEC. 51. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the General Fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond Tax. Library Tax.

SEC. 52. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; and to levy not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms.

Tax Liens.

SEC. 53. All taxes and assessments levied together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under

such regulations as shall be prescribed by ordinance, provided that when real estate is offered for sale for less than five thousand dollars, the same shall be struck off and sold to the city on the first day in the month and with like effect and with like right of redemption, as to such real estate of and sold to the same owner offered for sale for more than five thousand dollars, and the money shall have power to provide for the proceeds to be retained to such extent as the city and commission themselves.

Duties of the Auditor.

SEC. 54. Money shall be drawn from the treasury only upon warrants or checks authorized by the council, drawn by the city, from whatever source, including the free public library, some amount or the amount of public money shall be paid by the president and accounts on check of such body, with a receipt, countersigned and dated the same as the original warrant and issued by the same officer, and hereafter, before it can be used or expended by the council, the said money must be proven the money is legally due and its payment authorized by law. If he allow it, he shall indorse upon the warrant the words "received" and the date of such receipt, and sign his name thereto. No warrant shall be presented, allowed, passed or paid unless it specifies such amount, and the date thereof. It shall be the duty of the auditor to be immediately acquainted with the money accounts of the treasury. He shall, on application of any person indebted to the city, receive money payable into the city treasury or payable to the treasury, directly or by the treasurer, the amount thereof, in whole or in part, and by means of his fund. He shall charge the treasurer with the amount received. It shall be his duty to examine during the several terms of each session of the city the city accounts and to sign an ordinance, specially authorized and approved by the council, certifying the treasurer of such report, and to sign a warrant. He shall countersign and deliver to the proper officers, all licenses and other receipts, changing them therewith, and taking their receipt therefor. He shall at any time receive account of such receipt, or absence of receipt, caused by writing in the record, the condition of such fund in the treasury. He shall keep a complete list of bonds for the city, or which he shall set forth in a place and manner to be fixed, year by year, by the council of the city, so that he can at any time see the same condition of the city's accounts, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this chapter or by ordinance.

Disposition of Money Collected.

SEC. 55. Every officer collecting or receiving any money belonging to or for the use of the city shall, on the day of his receipt thereof, send for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such money lawfully belong. The council may provide, in its ordinance, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC. 56. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city, which require or demand money. Whenever an Act shall be passed by the Senate and Assembly calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE X.

PUBLIC WORKS AND SUPPLIES.

Form of Contracts.

SEC. 57. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Madison by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC. 58. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work necessary is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 59. In the erection, improvements and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the

lowest responsible bidder, after advertising for sealed proposals for the work contemplated, in five successive issues of the official newspaper of the city of Modesto. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 60. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city, which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper of the city of Modesto."

Contracts for Lighting.

SEC. 61. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Hours of Labor.

SEC. 62. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 63. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 64. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE XI.

FRANCHISES.

Property Rights of the City Inalienable.

SEC. 65. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 66. No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to Use Streets.

SEC. 67. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures

in, upon, over, under or along any street, highway or other public place in the city for the purpose of advertising or for the purpose of soliciting, shall be granted upon the conditions in this article provided and set forth.

Applications for Franchise

SEC. 68. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it please to grant the same, shall, on or before a date to be notified and specified in writing, file a notice to the city for election of the same, and that at the last preceding general municipal election, requesting it to grant the same, and thereupon the council at said election, together with a statement that it is prepared to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed franchise making such grant. The advertisement of such franchise shall be run in the said paper in the business hours and must be completed not less than twenty and not more than thirty days before any further action can be taken by such action. The council may provide for the filing of such application and may in the clerk in respect thereto provided in Section Sixty-nine herein for council shall apply to petitioners for grant of franchise referred to in this section.

Conditions of Grant

SEC. 69. The advertisement and grant of the franchise or privilege proposed to be granted, and if granted, a written advertisement or advertisement, and the points to be franchised, shall be made known to the council at a public time and place, and after the franchise has been awarded to the bidder offering to run in the city during the life of the franchise, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, provided that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than three per cent during the next five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the Franchise

SEC. 70. At the time of opening the sealed bids, any responsible person, firm, or corporation, present in person, or represented, may bid for such franchise or privilege not less than one-fourth of one per cent of the gross annual receipts from the highest sealed bid therefor, and such bid so made may be raised not less than one-fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation, offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise, provided, that in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith

SEC. 71. Every application and bid for franchise under this article shall be accompanied by a cash deposit of two hundred dollars (\$200), or a certified check therefor, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open Competition.

SEC. 72. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Bond.

SEC. 73. The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded and within thirty days after the filing and approval of such bond such

franchise shall by the council be granted by ordinance (subject to the provisions of Section 87 of this article) to the persons, firm or corporation to whom it shall have been struck off, sold or awarded, and, in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited, and the franchise shall, in the discretion of the council, be re-advertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchises.

SEC. 74. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other places of the city may be granted to any person, firm or corporation, shall be twenty-five (25) years.

Beginning and Completion of Work.

SEC. 75. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Regulation of Grants, Franchises and Privileges.

SEC. 76. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and Charges.

SEC. 77. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of the City to Assume Ownership.

SEC. 78. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in setting such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No Conveyance Necessary for City Ownership.

SEC. 79. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise.

SEC. 80. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such

consent, provided that nothing herein shall be construed to prevent the granting of such franchise from whatever it is a mortgage or trust deed created for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Poling.

SEC. 81. Every grant of any franchise or privilege of street sprinkling or hosing, any of the streets, highways or public places in the city for sanitary purposes, shall be subject to the conditions that the persons, firm or corporation obtaining or enjoying the same shall sprinkle, clean, hose or polish, and care and preserve on both sides of each street, highway or other public place to be kept by said persons or firm, on both between the rails of each railway track, and between the rails of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books.

SEC. 82. The city of Modesto by its council, jointly and severally, is authorized by this charter to be the master and have the right at all reasonable times to examine all the books, records and accounts of any company, firm or corporation existing or claiming any franchise or privilege granted to the city, for the purpose of verifying any of the statements of gross receipts submitted for and for any other purpose whatsoever connected with the duties or privileges of the city, or such persons, firm or corporation arising from this charter, or from the franchise granted the franchise, and may order the same at the end of each year.

Annual Reports of Company.

SEC. 83. Every person, firm or corporation claiming any business under a franchise granted under this charter shall file annually with the city clerk on each day as shall be fixed by the council a report on the preceding year. Such report shall be in writing, verified by the affidavit of each person or person or persons of the corporation, as the council shall require, and shall contain a statement of such items and details as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation within the city of Modesto for the year immediately preceding each report. Such report shall contain such further statements as may be required by the council regarding the character and amount of business done, and the amount of profits and expenses connected therewith, and also the amount expended for new investments, repairs and betterments during such year.

Payment of Gross Receipts.

SEC. 84. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall result in forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation issued an operating the franchise conferred under such franchise.

Forfeiture for Non-Compliance.

SEC. 85. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and to and such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Franchise Not in Use Forfeited.

SEC. 86. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and forfeit, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Manner of Granting and Renewing Franchises.

SEC. 87. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by a majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council, granting such franchise, or a renewal or an extension thereof. It shall be the duty of the council to provide for said election. Said election shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such election shall read as follows:

For the Franchise, Yes.

For the Franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE XII

THE RECALL.

SEC. 88. The holder of any elective office may be removed by the qualified electors.

Method of Procedure.

(1) The procedure to effect the removal of an incumbent of an elective office shall be as follows. A petition signed by electors qualified to vote at a municipal election in said city, if held at the date of the filing of said petition, equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, demanding an election to determine whether or not said officer shall be removed from office, shall be addressed to and filed with the city clerk, and said petition shall contain a general statement of the grounds for which the removal is sought, in not more than two hundred (200) words, which statement shall not be open to review.

Signatures to Petition.

(2) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined and his occupation.

(3) Said petition shall be presented to the city clerk for filing, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and if necessary the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient as to the number and genuineness of signatures, it may be amended by additional signatures, within five days from the date of said certificate. The clerk shall within five days after such amendments, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect.

Recall Election.

(4) If the petition shall be found to be sufficient as to the number and genuineness of signatures, the clerk shall forthwith file the same in his office and a special election shall be held within twenty days from said filing to determine whether the electors will recall said officer. All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections provided for in this charter, except as in this section otherwise provided, and except also that the clerk shall give and sign the notice or proclamation of election, appoint the election officers, and designate the polling place in each election precinct.

Officer's Justification.

(5) In the published call for the election there shall be printed in not more than two hundred (200) words the reasons for demanding the recall of the officer as set forth in the recall petition and in not more than two hundred (200) words the officer may justify his course in office.

Voting. Canvass of Returns.

(6) At such recall election, the ballots shall read:

"Shall _____ (naming the officer) be recalled? Yes."

"Shall _____ (naming the officer) be recalled? No."

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of this result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three disinterested electors who shall act as a canvassing board thereof. It shall be the duty of said canvassing board to

canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Election of Successor.

(7) Within three days after the canvass of the vote of said election, the clerk shall issue the call for the election for the purpose of electing a successor to the officer so removed. Said election shall be called and held in all respects as hereinbefore provided for the election for the recall. The power and duty of the clerk shall be the same as in said recall election. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in Section 6 relating to the nomination of candidates, except that petitions for nominations shall be torn in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall keep and preserve the authenticity as to the number and genuineness of signatures of the petition. If the same is questioned in these particulars, it shall be removed and if sufficient, the name of the person nominated thereon shall be placed upon the official ballot as a candidate for the office for which he was nominated.

All the provisions of Sections 19, 20, 21 and 22 of Section 6 of Article IV of this charter shall be applicable to an election held under this section to fill vacancies caused by a recall of an officer, except that the second election, if necessary, shall be held one week after the first election and except when in case such second election is held that notice of the same shall be given, and the same shall be held in all respects as hereinbefore provided in this section for the election for the recall. In the event that, by reason of the recall, there shall not remain in office a majority of the city council, it shall be the duty of the city clerk to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled. In the event that by reason of the recall, there shall not remain in office a majority of the board of education, it shall be the duty of the superintendent of schools of Stanislaus County to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled.

Disqualification of Recalled Officers.

(8) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city of Modesto for a period of one year from and after the date of his recall.

New Officer. When to Qualify.

(9) Every person chosen to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

ARTICLE XIII

THE INITIATIVE

Sec. 80 Any proposed ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to the percentage herein-after required. The petition shall set forth a copy of the proposed ordinance.

Signatures to Petition.

(1) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation.

Filing and Examination of Petition.

(2) Said petition shall be presented to the city clerk, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the

requisite number of electors qualified to sign said petition, and, if necessary, the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, as to the number and genuineness of the signatures, it may be amended by additional signatures within five days from the date of said certificate. The clerk shall, within five days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall forthwith file the same with the council.

Initiative Election.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast at the last preceding general municipal election, the council must, without allegation, submit the proposed ordinance to the electorate at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified electors equal in number to twenty-five per centum of said vote and contains a request that such proposed ordinance be submitted to a vote of the people at a special municipal election, then the council must, without allegation, submit the same to the electorate at a special municipal election to be called and held within sixty days from the filing of such petition.

Initiative Ballots.

(4) The ballots used when voting upon such proposed ordinance shall contain the word or words similar thereto: "For the Ordinance," and "Against the Ordinance," (stating the nature of the proposed ordinance in terms sufficient to identify it). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such proposed ordinance shall become a valid and binding ordinance of the city.

Several Ordinances at One Election.

(5) The council may also propose and submit at said election any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this section can not be repealed or amended, except by a vote of the electors obtained in the manner heretofore stated, unless such ordinance shall otherwise provide.

Limit to Special Elections.

(6) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election at any period of twelve months.

Publication of Popular Ordinances.

(7) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at an election, the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, and the council may also order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published.

ARTICLE XIV.

THE REFERENDUM.

Mode of Protesting Against Ordinances.

SEC. 90. No ordinance passed by the council shall go into effect before fifteen days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifth vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure.

If, during said fifteen days, a petition signed by qualified electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and, if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The form of such petition, application, petition and writs of the court or respect thereto prescribed in Section 80 shall apply to petitions for the redress.

All the proceedings leading to the enforcement of ordinances by petition shall apply to ordinances submitted by a city or county petition, and the petition shall be of the same form and effect as provided in Section 80.

Redress of Members of Legislature.

SEC. 91. Any ordinance or resolution that the majority of the qualified electors of the city shall vote in favor of or that the majority of 10,000 qualified electors to the election for adoption or rejection or a general or special municipal election in the same district and with the same terms and effect as is provided in this chapter for a petition for legislative redress or petition. At the special session called under this provision of this chapter there shall be no limit to the submission of other resolutions to a vote of the electors or petition to the electors or to the board of supervisors. If such other resolutions are voted on such session or subsequent or such session. If the provisions of laws or laws enacted subsequent to the date of the adoption of this chapter providing for the petitioning the public authority are shall remain.

Final Election Laws.

SEC. 92. At the special term of the State of California existing in previous shall apply to all laws and laws enacted after 1911.

ARTICLE XV

CITY OF MODesto.

SEC. 93. The commission created under the charter of Modesto shall remain shall be known as the joint council of the city of Modesto. Such council shall consist of one judge who shall be president for one year and who shall serve during the pleasure of the city shall remain under the charter of the city shall remain.

SEC. 94. Said council shall have the following powers:

(1) In all proceedings the council of the city of Modesto shall have the right to call upon the city of Modesto for the purpose of carrying out the provisions of the charter of the city of Modesto.

SEC. 95. Within the city shall remain under the charter of the city of Modesto shall have the right to call upon the city of Modesto for the purpose of carrying out the provisions of the charter of the city of Modesto.

SEC. 96. Any case may be taken to the superior court of the State of California in and for the county of Stanislaus from the judgments and orders of said justice courts in all cases in which the law or the charter of the city of Modesto shall be taken to said superior court from said justice courts and police courts.

SEC. 97. All proceedings and records from said justice courts, the judgments, practice, procedure and laws and orders of said justice courts shall be maintained by said justice courts and shall be maintained and made available to said police courts.

SEC. 98. All fines and other monies received or collected by the judge of said police courts for or on account of the city of Modesto shall immediately be paid into the city treasury.

SEC. 99. All matters and proceedings existing and pending in the existing records of the city of Modesto shall be preserved with honor and dignity, named in said justice courts by the judge of said justice courts, the same as if said action or proceedings had been originally commenced in said police courts.

SEC. 100. Nothing in this chapter shall be so construed as to prevent a justice of the peace from holding the office of police judge.

SEC. 101. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

SEC. 102. The city shall furnish for said court a suitable court room and office and the necessary dockers and all books and other books and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

SEC. 103. The chief of police of the city of Modesto shall execute and return all processes, issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city, and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection, and his lawful orders shall be executed by deputies, police officers and watchmen in the city of Modesto, and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge, which has come to his knowledge. The chief of police

shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for violation of rules and regulations of the police department, and for neglect of duty, or for similar misconduct a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, the chief of police shall discharge all the duties required of him by ordinance of the city or resolution of the council, or by law, or by the provisions of this charter.

ARTICLE XVI.

EDUCATIONAL DEPARTMENT.

SEC. 104. The school department of the city of Modesto shall comprise all the schools within the city of Modesto, the Modesto school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as Modesto City School District, which shall consist to all the obligations, property, rights, and privileges of the Modesto school district. It shall consist of primary, grammar, and high schools as now established or that may hereafter be established, and not at the discretion of the board of education, include technical, industrial, kindergarten, and night schools, provided that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

SEC. 105. All territory included within the limits of the Modesto city school district that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters, and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 106. The department of the school department of the city shall be vested in a board of education which shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education, who shall serve without compensation; *provided*, that the present Modesto school district as above named in Section 104 shall continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first general municipal election held under this chapter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in May next, and two on the third Monday in May next, and the first Monday in May next, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second general municipal election held under this chapter two members shall be elected out of the third general municipal election term members, to fill the places of those members whose terms expire, and thereafter, alternately, two and three shall be elected at the succeeding general municipal elections.

SEC. 107. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the Modesto city school district for the two years next preceding the day of his election.

SEC. 108. The terms for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

SEC. 109. Members of the board of education shall enter upon the discharge of the duties of their office on the first Monday in May after their election, and shall meet upon that day and thereafter on the second day of their meetings as provided that shall serve as consistent for business, provided that the members of the board of education first elected under this chapter shall take office on the first day of duty succeeding their election.

Vacancies in the board of education shall be filled for the unexpired term by the remaining members of the board, and if such be less than a majority of such board remaining at the time then such appointment shall be made by the superintendent of schools of Stanislaus County.

The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the president or by the written request of three members, but no business shall be transacted at such meetings that has not been distinctly stated in the call.

A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys, for the election of appointees, officers, and for the election of teachers.

The sessions of the board shall be public and its meetings open to inspection. The board may determine its rules of procedure, but the yes and noes shall be taken and

recorded when demanded for any reason, and they shall be given and returned on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president or the president pro tem when acting for him, and by the secretary of the board.

SEC. 110. The powers and duties of the board of education are as follows:

(1) To establish and maintain public schools as herein provided, to change, remodel and discontinue the same, and to establish boundaries for each of said school buildings or any grade or portion of each, in any school building, within which town or city pupils must attend their respective buildings or grades.

(2) To manage and control the school property, including the power to acquire, fence and improve all school lots and the school-houses and the grounds adjoining the same, to select places for school-houses and yards, to erect, fix and be bound to maintain and control the construction of the same. In other respect, test and provide school-houses, and to furnish the same with proper school furniture, apparatus and appliances, and to provide the same with fuel, water, fire, lights, heat and all necessary supplies, to insure the same, including the necessary contract for, and to incur such other incidental expenses as may be deemed necessary.

(3) To take and hold in fee or otherwise, in trust for the Modesto city school district, any real estate and personal property that may have been donated or may hereafter be supplied by any benevolent, religious or charitable, for the use and benefit of the public schools of said Modesto city school district, or for any educational purpose, to dispose of, at public or private sale, such personal property as shall be so donated, required by the department and to sell real estate or lease any of such property, and to make in the name of said Modesto city school district, conveyances of real property sold under the provisions hereof; provided, that the proceeds of any such sale or exchange of real property shall be exclusively applied in the purchase of other real property for school purposes, or to the erection or completion of such school-houses, and any sale or exchange of real property be required by a majority vote of the qualified electors of said Modesto city school district voting thereon at a general meeting or at a special election.

(4) To receive and manage property or money donated for deposit or delivery in trust for the benefit of any school, educational purpose, or school grounds, including gymnasiums, mess-halls, and athletic tracks, or grounds.

(5) To sue for any and all property belonging to, or claimed by the board of education for the Modesto city school district, and to prosecute and defend all actions at law or equity necessary to receive and maintain the full enjoyment and possession of said property, and to receive the services of the city attorney, free of charge without compensation, and when desirable, to employ other professional persons. The city attorney shall be the legal adviser of the board without compensation.

(6) To discharge all legal responsibilities now existing or which may hereafter exist, upon any school property within the Modesto city school district.

(7) The board of education shall, at its same meeting at which it elects its president in each year, appoint a secretary, who shall act in case of their absence, and shall prosecute the duties and fix the salary of such secretary, who shall hold office during the pleasure of the board.

(8) The board of education shall determine annually the amount of school tax necessary for the maintenance of public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined on said board of education shall be reported in writing to the board of supervisors of Stanislaus County on or before the first day of August in each year. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain primary and grammar schools, the amount required for high school purposes, and the amount required for other public schools of the Modesto city school district, as the same are established, and the amount that will be required to pay all fixed and incidental expenses, including the repairing of school buildings and the improving of school grounds.

(9) The board of supervisors of Stanislaus County is hereby authorized and required to levy and the tax collector of said county to collect as school tax the amount required by the board of education.

(10) The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the Modesto city school district the question whether a tax shall be levied to furnish additional school facilities for said district, or for building one or more school-houses, or for any or all of these purposes. Such elections shall be called and the moneys employed in accordance with the general laws of the state governing elections for district school tax.

(11) The board of education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district, as shown by the last school census, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for the building of one or more school houses, for insuring the same and supplying the same with furniture and necessary apparatus, and for improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

(12) All moneys raised for school purposes shall be paid into the county treasury of Stanislaus County to the proper school fund of said Modesto city school district and shall be drawn out in the same manner as state and county moneys apportioned to the Modesto city school district are drawn.

(13) To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals, truant officers, and such other persons as may be necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by all such employees, and to fix, alter, allow and order paid their salaries or compensation, and to withhold for good and sufficient cause, the whole or any part of the salary or compensation of any person or persons employed as aforesaid; *provided*, that no teacher shall be dismissed during the school year without good and sufficient cause, *and provided further*, that the board shall notify in writing on or before the last day of June of each year all teachers whose services will not be required for the ensuing year.

(14) To prescribe the course of study for the several schools; to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and high schools, and in the name of the Modesto city school district to grant diplomas to pupils who have completed the respective courses of study of the schools therein.

(15) To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age at which children may attend the kindergarten at not less than five years.

(16) To admit nonresident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less, in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

(17) To furnish books to children of parents unable to furnish them, but the books so furnished shall belong to the Modesto city school district and shall be returned to the superintendent at the end of each term of school.

(18) The board of education shall elect a superintendent of schools, who shall be a practical educator of not less than five years successful experience in teaching; such superintendent shall serve for a term of two years from and after the day of his election. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and, while he holds said office, he shall not be a candidate for any elective office in Stanislaus County or the State of California.

(19) The superintendent shall be the executive officer of the board of education, and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate. He shall have general supervision of the schools and direct the methods of instruction therein; and his decision in all school matters within his jurisdiction shall be final, unless formally overruled by the board of education.

The superintendent shall assign duly elected teachers to such grades and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board, and further the board may, by a vote of four members, change any assignment. He shall have full direction of the classification and promotion of pupils and, under the rules of the board, of the discipline of the schools. He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent, and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, school stationery, books for indigent children, library books, apparatus, and such other school supplies as may be necessary for the city schools and the board for the following year. He shall annually, and oftener when desired, make a full report of the condition of the schools under his jurisdiction, and shall make such recommendations as he shall deem best.

Sec. 111. The secretary of the board of education shall keep a true record of the proceedings of the board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in the aggregate and in detail, of the outlays for the schools. He shall be the general custodian of all books, papers, and documents belonging to the board. He shall, in June of each year, make to the board of education a full and detailed report of the receipts and expenditures of the department and the amounts paid respectively, for teachers, janitors, rents, repairs, lands, buildings, furniture, apparatus, stationery, fuel and other expenses. He shall perform such other duties as the board may require of him.

Sec. 112. All other matters pertaining to the school department of said Modesto city school district not specifically provided in this charter, shall be governed by the general school laws of the State of California.

APPENDIX VIII

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Sec. 1.15. This chapter may be amended or amended or not less than one hour by agreement otherwise authorized by the council or the governing authority of any city or a political or cultural institution, both or some being, after the publication of such agreement. For further steps by a duly constituted or political institution, as well as and limited by a majority of the council, after the first and after by the majority or council in the institution or the body or authority. Whereas it is the duty of the council to the qualified person of the council to provide the council to be the only political institution or authority, to help develop in the political system, through the approval of the council and under the law, by having that not only government or authority in the council and authority, actually or practically, may be authorized by the council of the council and may be made an authority, without prejudice to the future.

Article 1111-1. The following persons shall enjoy the special protective measures provided for by this article and article XIII of the Constitution:

Fig. 11b. This graph would make all necessary provision for converting proposed expenditures for the business back about halfway the way to the zero amount, as in other countries.

¹ See, for example, the letterhead of such national youth councils as Youth for Peace, the American Youth, and "Adopted and Adoptive" (listing the address of the proposed amendment).

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When This Chapter Takes Effect:

NOTE: (1) For the purpose of the accounting used in the accounting of child labor and shifting workers, employers and providers of the family of children in non-industrial areas (the family of the child) shall take their own part in the amount of the child in the household, on all other property (total) rate (not on the other day in July, 1991).

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

NOTE 2.11. The second of conditions of the case of Mordukhai is often also met, this condition is mentioned by the linguists, which means that the formation of the case comes from the same source. This means that the same word formation process, which

Table 1. χ^2 values for the χ^2 test of the null hypothesis of no association between the variables.

SEC. 119. The members of the board of trustees and all other officers of the city of Modesto in office at the time of the approval of this charter by the Legislature shall continue to hold their offices and perform their duties until the expiration and continuation of the current term and sessions of the board of trustees, respectively, after which this charter shall take effect.

The form of α is not at all the same as β or γ as follows in the first two curves. It takes about half an hour and terminates when the second first-order germ is shed by resorption six days.

Principles of Organic Chemistry by F. S. Dainton

SEC. 120. All lawful city ordinances, resolutions and regulations in effect at the time this charter takes effect and not inconsistent with the provisions hereof, hereby continued in force until the same shall be duly amended or repealed.

Chlorophyll *a* and *b*

SEC. 121. The city attorney shall be the prosecuting attorney on behalf of the people of all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested, provided, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Verifying that the ℓ_1 norm is the dual of the ℓ_∞ norm.

SEC. 122. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be prosecuted by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of Modesto is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Modesto.

Sec. 123. The word "city" wherever it occurs in this charter, means the city of Modesto, and every commissioner, commission, department, board, officer, employee, wherever mentioned in this charter, means the commissioner, commission,

department, board, officer or employee, as the case may be, of the city of Modesto. The word "council" when used in this charter means the council of the city of Modesto.

SEC. 124. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Modesto, addressed to the person or persons elected or appointed.

SEC. 125. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Modesto then in office must provide for the holding of such election as soon as possible thereafter.

CERTIFICATE.

WHEREAS, The city of Modesto, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the eleventh day of April, 1910, at a general election held under and in accordance with the provisions of section eight of Article XI of the Constitution of the State of California, did elect J. W. Bell, J. R. Broughton, L. L. Dennett, L. E. De Yoe, Thomas Downey, Z. E. Drake, John Dunn, Sr., S. P. Elias, C. W. Evans, E. I. Fisher, N. C. Hanscom, George Perley, Al Schmidt, B. J. Smith and G. A. Williamson a board of freeholders to prepare and propose a charter for said city;

BE IT KNOWN, that pursuant to the provisions of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Modesto.

IN WITNESS WHEREOF, We have hereunto set our hands this 8th day of July, 1910.

S. P. ELIAS,

President of the Board of Freeholders.

J. W. BELL,

J. R. BROUGHTON,

L. L. DENNETT,

THOS. DOWNEY,

Z. E. DRAKE,

L. E. DE YOE,

C. W. EVANS,

JOHN DUNN, SR.,

E. I. FISHER,

N. C. HANSCOM,

GEO. PERLEY,

AL. SCHMIDT,

B. J. SMITH,

G. A. WILLIAMSON.

Attest: L. E. DE YOE,

Secretary of the Board of Freeholders.

Filed this 8th day of July, 1910, at 11 A. M.

C. A. POST,

President of the Board of Trustees of the City of Modesto, California.

STATE OF CALIFORNIA,

COUNTY OF STANISLAUS,) ss

CITY OF MODESTO. }

I, C. A. Post, president of the board of trustees of the city of Modesto, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of April, 1910, at a general municipal election held in said city of Modesto, on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that said charter was on the 8th day of July, 1910, completed by said board of freeholders, and signed in duplicate by all of said freeholders and on said day one copy thereof returned to me as president of the board of trustees of said city of Modesto and the other copy thereof returned to the recorder of the county of Stanislaus and filed in the office of said county recorder; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election to wit: on said 8th day of July, 1910, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was thereafter published in the "Modesto Morning Herald" which then was a daily newspaper of general circulation printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter as aforesaid, as required in said Section 8, to wit, on the 11th day of September, 1910, said charter was submitted to the qualified electors of said city at a special election duly

called and held therein for the purpose of verifying or substantiating said proposed charter, that by a majority of the voters of the said city of Modesto at said meeting said proposed charter was ratified as a whole, that the names of said citizens were duly canvassed by the board of canvassers of said city of Modesto on the 15th day of September, 1910, and the same charter found and certified as correct and true at all the times hereto mentioned and said city of Modesto was and has been a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants, and that at said meeting and before mentioned to said proposed charter, the provisions of said charter of the incorporation and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the same to be signed and sealed at Modesto in and subject to the City of Modesto, 1911.

(SEAL)

C. A. POSEY

President of the Board of Trustees
of the City of Modesto

ALBERT W. O. THOMPSON

City Clerk

AND WHEREAS Said proposed charter as ratified has been duly presented and submitted in the Legislature of the State of California for approval or rejection without power of amendment or amendment, to wit: Senate Bill No. 105, and Assembly Bill No. 1, of the Legislature of the State of California, both introduced on 11

Presented by the Assembly of the State of California, the Senate thereof having entered a majority of all the members thereof to move from voting for the adoption of this resolution and proceeding to read and consider of the bill of Modesto as presented to substantiate and certify to the validity thereof and that the same is hereby approved as a whole as well as the charter of the said city of Modesto.

Assembly concurrent resolution read.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Aves, Brown, Bill, Burt, Birkhead, Brown, Brown, Bryant, Barnett, Cammille, Cassidy, Coffey, Foss, Harp, Hendon, Johnson, Jenkins, Jones, Martinelli, Shattuck, Stetson, Thompson, Turner, Walker, Ward, Wright, and Wright—27.

NOES—None.

Assembly Concurrent Resolution No. 3 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

And Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

And report that the same have been found not identical.

CASSIDY, Chairman.

MOTION.

Senator Stetson moved that Assembly Bill No. 1 be returned to Committee on Judiciary, and Senate Bill No. 105 to third-reading file of Senate bills.

Motion carried.

MOTION.

Senator Wolfe moved that when the Senate adjourns to-day it adjourn in honor of the House of Representatives of this nation in appreciation of their recognition of the State of California, in designating the city

of San Francisco as the place for holding an International Exposition to celebrate the completion of the Panama Canal.

Motion duly seconded.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifty minutes p. m., Senator A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, JANUARY 31, 1911

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

And Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

And report the same are not identical.

CASSIDY, Chairman.

MOTION.

Senator Burnett moved that Assembly Bill No. 62 be returned to Committee on Judiciary, and Senate Bill No. 106 to third reading file of Senate bills.

Motion carried.

THIRD READING OF ASSEMBLY BILLS, ETC.—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION NO. 7.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session on Monday and Tuesday to be presided by the committee as hereinafter provided on February 20th, for the purpose of appropriately observing the birthday of Abraham Lincoln, and be it

Resolved, That a committee of five members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to prepare a plan and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly, and the President of the Senate, respectively, and any expenses incurred (not exceeding \$2000) dollars incurred to be paid out of the Assembly and Senate out of their contingent funds.

Assembly concurrent resolution read.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 7 adopted by the following vote:

AYES. Senators: Ames, Brown, Burt, Foster, Black, Benton, Bryant, Burnett, Cawthon, Cassidy, Clegg, Egan, Evans, Hahn, Hall, Hammond, Harlan, Jaffard, Larkin, Lewis, McMillan, Rank, Reddick, Sweeney, Swenson, Strickland, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.

NAYES. None.

Assembly Concurrent Resolution No. 7 ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER)—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment.

Also: Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Also: Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks, and constables, and their deputies.

Also: Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

Also: Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Also: Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 502, 365, 277, 393, 537, 497, 505, 504, 501, and 279 read first time.

Assembly Joint Resolution No. 1 ordered referred to Committee on Federal Relations.

Assembly Bills Nos. 502, 365, 277, 537, 497, 505, 504, 501, and 279 ordered referred to Committee on Judiciary.

Assembly Bill No. 393 ordered referred to Committee on County Government.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 231—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California—have had the same under consideration, and respectfully report the same back as amended, and recommend that it do pass and be re-referred to the Committee on Finance.

RUSH, Chairman.

Senate Bill No. 231 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 348—An Act to amend Section 2493 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 348 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 580, An Act authorizing and directing the construction and furnishing of two cottages for male patients at the Southern California State Hospital, California, and making an appropriation therefor.

Also: Senate Bill No. 581. An Act authorizing and directing the construction and equipping of one cottage for the accommodation of male patients at the Mendocino State Hospital, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that committee action be deferred for later action and the same be re-referred to Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 576 and 577 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 582, An Act making an appropriation for the furnishing and equipping of one cottage for male patients at the Southern California State Hospital, and the same under consideration, and respectfully report the same back as amended, and recommend that it be sent to committee and be re-referred to the Committee on Finance.

RUSH, Chairman.

Senate Bill No. 584 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 431, An Act authorizing an appropriation for the construction of the building portion of the Mendocino State Hospital.

Also: Senate Bill No. 432. An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also: Senate Bill No. 433. An Act making an appropriation for the construction of a dormitory for additional women capacity for the Mendocino State Hospital.

Also: Senate Bill No. 434. An Act making an appropriation for furnishing and equipping a cottage for the use of the second assistant physician at the Mendocino State Hospital.

Also: Senate Bill No. 435. An Act making an appropriation for the creation and construction of a convalescent cottage for the use of the second assistant physician at the Mendocino State Hospital.

Also: Senate Bill No. 436. An Act authorizing and directing the creation of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 581. An Act to provide for the creation of one cottage for female night watches at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 582. An Act to provide for the creation of one large cottage for male patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 584. An Act making an appropriation for furnishing and equipping one large cottage for male patients at the Southern California State Hospital.

Also: Senate Bill No. 585. An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 576. An Act to provide for the creation of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 581, 582, 584, 585, 576, 431, 432, 433, 434, 435, and 436 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 38. An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 39—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Also: Senate Bill No. 120—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 128—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 129—An Act to provide for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 228—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home, at Eldridge, California, also the making of such changes as may be necessary in the present sewer system at said home, and making an appropriation therefor.

Also: Senate Bill No. 229—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 232—An Act authorizing and directing the reflooring of the Mause and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Senate Bill No. 234—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Have had the same under consideration, and respectfully report the same back, and recommend that same be re-referred to Committee on Finance, and that committee substitutes be adopted for each bill.

RUSH, Chairman.

Senate Bills Nos. 38, 39, 120, 124, 128, 129, 228, 229, 232, and 234 ordered referred to Committee on Finance.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 250—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Finance.

WELCH, Chairman.

Senate Bill No. 260 ordered re-referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS—COURT OF ORDER.

By Senator Martinelli: Senate Bill No. 713—An Act relating to explosives, and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 715—An Act providing that one half of the cost and expense of maintenance of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the State Harbor Improvement Fund.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and

defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing printers.

Bill read first time, and referred to Committee on Public Health and Quarantine.

RECESS.

At five o'clock P. M., on motion of Senator Boynton, the President declared the Senate at recess until five o'clock and ten minutes P. M.

RECONVENED.

At five o'clock and ten minutes P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Senator Strobridge arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Through a misunderstanding I have an incorrect impression of Senate Bill No. 194 on the passage of the passage of the bill. I have explained to the Assembly committee, in which Senate Bill No. 194 has been referred, and its passage in the Assembly will not be pressed.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned until Wednesday, February 1, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 1, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Aron, Baber, Bell, Bess, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassady, Carter, Carson, Escholtz, Finn, Gates, Haro, Hewitt, Holohan, Hurd, Juilliard, Loomis, Jones, Marshall, Rogers, Roschorny, Rush, Sanford, Shanahan, Stenson, Strobridge, Thompson, Ferrell, Walker, Walsh, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE.

Senator Campbell was, on motion of Senator Holohan, granted leave of absence for this day.

Senator Hans was, on motion of Senator Juilliard, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 31, 1911 the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Roscherry, the privilege of the floor of the Senate chamber for this day was unanimously extended to Robert Beyrle of Los Angeles.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the further consideration of Senate Constitutional Amendment No. 6 be postponed and made a special order for Friday, February 3, 1911, immediately after the reading of the Journal.

Motion carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 301 was passed, be postponed, and made a special order for Thursday, February 2 1911, immediately after the reading of the Journal.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State—was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Curtin moved that the further consideration of Senator Caminetti's motion to reconsider the vote whereby Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State—was passed, be made a special order for Thursday, February 2, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 726—An Act to amend sections two thousand and sixty-nine *a* and two thousand and six hundred *b* of the Political Code, relating to colonization, and adjourned.

Also: Assembly Bill No. 747—An Act to amend Section 7714 of the Political Code, relating to the construction, repair and maintenance of bridges.

Also: Assembly Bill No. 662—An Act to prohibit miners under the age of eighteen years to work and sell goods, claims or interests in mining claims, during the hours of ten o'clock in the morning till one o'clock in the afternoon, and providing penalties for violations thereof.

Also: Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section seven hundred and twenty-five, relating to highways.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 726, 747, 662 and 419 read first time.

Assembly Bill No. 726 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 747 and 419 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 662 ordered referred to Committee on Labor, Capital and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 268—An Act to amend section three thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

And adopted Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

Also: Senate Joint Resolution No. 2—Repealing and approving the proposed amendment to the Constitution of the United States, relative to income tax.

Also: Senate Joint Resolution No. 3—Relating to the cession by the United States to the State of California of certain public lands in the R. L. Blain in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

Also: Senate Concurrent Resolution No. 8—Resolved by the Senate, the Assembly, the Senate and Assembly of the Legislature of the State of California for the thirtieth session of said Legislature.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 268 ordered to enrollment.

Senate Concurrent Resolution No. 8 ordered to enrollment.

Senate Joint Resolutions Nos. 4, 2 and 3 ordered to enrollment.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENCROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Encroachment and Enrollment have examined the following Senate bills:

Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the

State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 253—An Act to Repeal Section 63263, sometimes designated as Section 6323 of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead for bait.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Also: Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11, and 12, and relating to the government of municipal corporations, and providing for the recall, initiative, and referendum.

Also: Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county of said State," approved March twentieth, nineteen hundred and nine.

Also: Senate Bill No. 467—An Act to validate municipal bonds.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Also: Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both, providing for the branding of any such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use, or such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

Also: Senate Bill No. 544—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

Also: Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mules, or any other biological agent used within this State for the purpose of determining whether any horse, mule, or ass is affected with glanders; and providing for penalties for violations of this Act.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Also: Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

Also: Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a Fish and Game Preservation Fund, and unite the Fish Commission Fund and the Game Preservation Fund into a common fund to be known as Fish and Game Preservation Fund, approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Also: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Also: Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 249, 188, 189, 253, 191, 360, 469, 467, 352, 406, 423, 424, 448, 541, 542, 543, 544, 545, and 546 ordered on file for third reading.

Also

SENATE CHAMBER, SACRAMENTO, FEBRUARY 1, 1911.

MR. PRESIDENT: Your Committee on Environment and Improvement have introduced Senate Concurrent Resolution No. 201. An Act to amend and change the Board law in the State of California.

Also Senate Bill No. 104. An Act to amend the Penal Code by inserting Section 626a thereof relating to the use of animals as blinds.

Also Senate Bill No. 105. An Act to amend the Penal Code by defining and punishing the crime and punishment for grand larceny (theft) and for the punishment of various crimes of the type thereof.

Also Senate Joint Resolution No. 9. Relative to Klans and companies thereof.

Also Senate Bill No. 107. An Act to amend the Penal Code by defining and punishing the crime of grand larceny (theft) and for the punishment of various crimes of the type thereof.

Also Senate Bill No. 118. An Act providing for the establishment of the California National Park, and creating a fund of five hundred thousand dollars to maintain said California National Park.

Also Senate Bill No. 119. An Act to amend section three hundred and thirty-seven of the Penal Code, relating to various acts pertaining to kidnapping, false making, and various and sundry for punishment, for the various crimes.

And report that the same have been introduced, read and passed this year to the Governor on the 1st day of January, 1911, at San Francisco, Cal.

CASSIDY, Chairman.

Also

SENATE CHAMBER, SACRAMENTO, FEBRUARY 1, 1911.

MR. PRESIDENT: Your Committee on Environment and Improvement have introduced Senate Concurrent Resolution No. 2. Amending the charter, amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, made and adopted without the qualified action of the said city of Santa Barbara, at the general municipal election held thereon on the 5th day of December, 1909, and which said charter have been introduced, read and passed the same to the Governor on the 1st day of January, 1911, at San Francisco, Cal.

CASSIDY, Chairman.

MOTION.

Senator Boynton moved that the Secretary of the Senate send Senate Joint Resolution No. 4 by night lettergram to California's Representatives in Congress.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Senator Burnett:

WHEREAS The Secretary of the Senate has submitted to the Committee on Comptroller Expenses, monthly bills for necessary services of the Senate, which he stated to be a correct statement of the services performed and of the price, and the Senate Committee on Comptroller Expenses having examined the said bills and found them to be correct, it is resolved:

Resolved That the Controller be, and he is hereby directed to draw his warrant, payable out of the Comptroller's Fund of the Senate, in favor of the Secretary of the Senate for the sum of one thousand five hundred and forty-nine (\$1,549.45) dollars and forty-five cents in payment of the bills hereto attached and the Treasurer is directed to pay the same.

H. S. Chicago Company	\$201.55
Wells Stationery Company	447.90
Remington Typewriter Company	45.00
Henry E. Sleeper & Co.	14.00
Reider Moss Company	\$40.00

Total \$1,549.45

BURNETT, Chairman.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Avey, Baban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare,

Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Welch, and Wolfe—33.
 NOES—None.

MOTION.

Senator Holohan moved that the Secretary of the Senate send Senate Joint Resolution No. 3 by night lettergram to California's Representatives in Congress.

Motion carried.

MOTION.

Senator Shanahan moved that the Secretary of the Senate send Senate Joint Resolution No. 9 by night lettergram to California's Representatives in Congress.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Secretary of State be and is hereby authorized to purchase for the use of the Judiciary Committee of the Senate two copies of Kerr's Annotated Codes and Constitution of California, same to be paid for out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Escondido, Finn, Gates, Hare, Hewitt, Holohan, Hurd, J. Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—34.
 NOES—None.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REGAN, Chairman.

Senate Bill No. 655 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876," approved March 22, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 531 ordered on file for second reading.

OF JOURNAL

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Education, to which the aforesaid Senate Bill No. 206, An Act to amend various law chapters one hundred and twenty of the Civil Code of the State of California, relating to the right of an employer to hire or personal representation to secure employment for himself or family, and employer to the benefit of his employment, passed on the recommendation of the committee, have had the same under consideration, and respectfully recommend the same be read and recommend that it be referred to the Committee on Corporations.

STETSON, Chairman.

Senate Bill No. 206 ordered to be referred to Committee on Corporations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Stetson: Senate Bill No. 717—An Act to appropriate the sum of eight thousand and ninety-two dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal year 1908 and 1909.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California to be known as Section 2185a, relating to the admission of voluntary patients to state hospitals.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants to the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Finn: Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185, relating to arrest, hearing, and commitment of inebriates and drug habitues to a state hospital for the insane.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 722—An Act to establish an industrial reformatory for women, and making appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 723—An Act amending section one hundred seventy-one *a* of the Penal Code of California.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Hare: Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 727—An Act to amend Section 628 of the Penal Code of the State of California, relative to the protection of fish, lobsters, and crawfish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hewitt: Senate Bill No. 728—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the commencement of work on water claims.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth, of article eleven, of the Constitution, relating to the consolidation of cities governed under charters.

Senate constitutional amendment ordered referred to Committee on Municipal Corporations.

By Senator Black: Senate Bill No. 729—An Act to create a system of firewardens to prevent and suppress forest fires; providing for their appointment and compensation; creating a forest fire fund; providing for coöperation with the State on the part of the counties and private owners of timber land in fire protection; declaring certain acts a nuisance, and making the expense of the abatement thereof a lien; and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Boynton: Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Birdsall: Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 733.—An Act to add a new section to the Political Code of the State of California to be numbered 1623, relating to health and development supervision in the public schools and in state educational institutions of the State of California, providing an appropriation for the same, providing penalties for the violation thereof, and to repeal an Act entitled "An Act to provide health and development supervision in the public schools of the State of California," approved April 15, 1909.

Bill read first time, and referred to Committee on Education.

AGREEMENTS OF COMMITTEES.

The President of the Senate announced that under the terms of Assembly Joint Resolution No. 7—Relative to the observance of the birthday of Abraham Lincoln, heretofore adopted, he had appointed Senators Cullen, Julliard, and Thompson as the committee from the Senate.

CONSIDERATION OF BILLS FILED—THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 7.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

Senate Constitutional Amendment No. 7 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 376.—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section.

Senate Bill No. 376 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 378.—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle, or other motor vehicle, and prescribing a penalty for the violation of said section.

Senate Bill No. 378 was temporarily passed on file, in the absence of the author, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 349.—An Act to regulate the sale of poultry and eggs.

On motion of Senator Strobridge, Senate Bill No. 349 was temporarily passed on file, to retain its place.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Senate Bill No. 82 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cassidy moved to refer to Senator Beban as a special committee of one, to amend as follows:

By striking out Section 1, lines 1 to 6, the words: "SECTION 1. The Act of the Legislature entitled 'An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand,' approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:"

Also: To amend the title by striking the same out, and inserting in lieu thereof the following: "An Act providing for the removal of human remains from cemeteries in any city or city and county in this State, and repealing all Acts in conflict therewith."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 191, with instructions to amend, respectfully reports the same back, amended as per instructions.

BEBAN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Critten, Critten, Estrada, Gates, Hewitt, Hodgman, Hurd, Juilliard, LaFolles, Martinelli, Regan, Roscherry, Rush, Sanford, Seward, Stetson, Strebbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright. 34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467—An Act to validate municipal bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Critten, Critten, Gates, Hays, Hewitt, Hodgman, Hurd,

Joseph, Larkin, Mason, Myers, Raftery, Rusk, Samuel, Shattuck, Stinson, Strickland, Tamm, Walker, Wilson, Wright, and Wright—22.
 NAYES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

On motion of Senator Burnett, Senate Bill No. 105 was temporarily passed on file, to retain its place.

Senate Bill No. 106—An Act to amend Section 1241 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Burnett, Senate Bill No. 106 was temporarily passed on file, to retain its place.

Senate Bill No. 249—An Act to amend sections five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Schubert, Ames, Bishop, Bonfield, Black, Brown, Bryant, Burnett, Carruth, Curren, Cuthbert, Dalton, Egan, Egan, Hill, Howell, Johnson, Hunt, Juddard, Larkin, Maynard, Myers, Raftery, Rusk, Samuel, Shattuck, Stinson, Strickland, Tamm, Walker, Wilson, Wright, and Wright—22.
 NAYES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Senate Bill No. 225 was temporarily passed on file, in the absence of the author, to retain its place.

TIME FOR RECESS EXTENDED

At twelve o'clock and thirty minutes P. M., on motion of Senator Wright, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—[RESUMED].

Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12, and relating to the government of municipal corporations, and providing for the recall, initiative, and referendum.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Sanford as a special committee of one, to amend as follows:

By inserting after the word "body", on page 5, line 64, the following: "Provided, however, that no voter resident of such city shall be qualified to sign any petition

for the passage of any ordinance, Act or other measure prohibiting the carrying on within such city of any business for which license is required to be issued by the authorities of such city, unless such voter shall also be a taxpayer within such city, and who shall have been assessed on the last assessment roll of such city for property standing in his own name of record, and at any election called for by the trustees of such city to vote upon the question of whether such board of trustees shall adopt any ordinance, Act or other measure or refuse to issue any license for the carrying on of any line of business in such city, no voter shall be qualified to or be permitted to vote at such election on such question unless such voter shall also at the time of such election be a taxpayer within such city and assessed on the last assessment roll of such city for property standing in his own name of record."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 360 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Holahan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Hare, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 375. An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Also: Assembly Bill No. 639. An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections of such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Also: Assembly Bill No. 68. An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Also: Adopted Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen, of Article I thereof, relating to the rights of private property and to the law of eminent domain.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 68 and 639 read first time.

Assembly Bill No. 68 ordered referred to Committee on Judiciary.

Assembly Bill No. 639 ordered referred to Committee on Roads and Highways.

Senate Bill No. 375 ordered to enrollment.

Senate Constitutional Amendment No. 17 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER.

By Senator Caminetti: Senate Constitutional Amendment No. 29. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section thereto, to be numbered Section 7, of Article II thereof.

relative to the ineligibility of certain persons to the privileges of electors in this State.

Senate constitutional amendment referred to Committee on Elections and Election Laws.

RECESS.

At twelve o'clock and forty-five minutes p. m., on motion of Senator Bell, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 264—An Act to repeal Section 596a of the Political Code of the State of California, relating to insurance.

Senate Bill No. 264 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 267—An Act to repeal Section 454 of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Senate Bill No. 267 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Senate Bill No. 536 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402¹, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

Senate Bill No. 537 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

On motion of Senator Roseberry, Senate Bill No. 257 was passed, to be placed at the foot of the file.

POINT OF ORDER.

Senator Hurd made the point of order that no quorum was present.

Motion duly seconded.

Point of order sustained.

The Secretary directed to call the roll of the Senate.

Motion carried.

Senators Avey, Bohan, Bell, Black, Boynton, Burnett, Caminetti, Carwright, Cassidy, Hare, Hewitt, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—24.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 253—An Act to repeal Section 532*b*3, sometimes designated as Section 632.3 of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Bell, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a Fish and Game Preservation Fund and unite the Fish Commission Fund and the Game Preservation Fund into a common fund to be known as Fish and Game Preservation Fund," approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Avey, Behan, Black, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Senate Bill No. 448 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

On motion of Senator Holohan, Senate Bill No. 406 was temporarily passed on file, to retain its place.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Read third time.

On motion of Senator Holohan, Senate Bill No. 188 was temporarily passed on file, to retain its place.

Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners,

physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES.—Senators Ayer, Beane, Bidwell, Black, Burton, Bryant, Connerly, Cartwright, Cassidy, Carter, Cuthbert, Ewing, Evans, Hale, Hewitt, Hollister, Hurd, Juddard, Lockwood, Lewis, Rogers, Ross, Searles, Sessions, Strickland, Thompson, Payson, Walker, Welch, and Wright—20.

NOTES.—None.

Title read and approved

Bill ordered transmitted to the Assembly.

Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 passed by the following vote:

AYES.—Senators Ayer, Bell, Bidwell, Black, Burton, Bryant, Connerly, Cartwright, Cassidy, Carter, Cuthbert, Ewing, Evans, Hale, Hewitt, Hollister, Hurd, Juddard, Lockwood, Lewis, Rogers, Ross, Searles, Sessions, Strickland, Thompson, Walker, Welch, and Wright—29.

NOTES.—None.

Title read and approved

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Senate Bill No. 541 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Senate Bill No. 542 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violation of this Act.

Senate Bill No. 543 was temporarily passed on file, in the absence of the author to retain its place.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Senate Bill No. 544 was temporarily passed on file, in the absence of the author to retain its place.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep

Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Senate Bill No. 545 was temporarily passed on file, in the absence of the author to retain its place.

Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift, or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

Senate Bill No. 546 was temporarily passed on file, in the absence of the author to retain its place.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Birdsall, the following message from the Governor was taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 1, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

John Sweet, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Message read, ordered printed in the Journal, and referred to Committee on Executive Communications.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Harb, Hewitt, Holahan, Hurd, Juillard, Larkins, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS.

Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain, and operate a municipal street railroad over, upon, and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 141—An Act providing for an appropriation of \$750.00 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 143—An Act providing an appropriation for \$1,000.00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 364—An Act appropriating money for the purchase of a stand pipe and water pipes to repipe grounds and buildings of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, after the word "pending" insert the following: "in order to entitle such cross-complainant to a divorce in said action".

Amendment adopted.

Also:

On page 1, Section 1, line 10, after the word "cross-complaint" insert a period, and strike out all of lines 11, 12, and 13.

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "must", and insert in lieu thereof the following: "shall".

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "must", and insert in lieu thereof the following: "shall".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "must", and insert in lieu thereof the following: "shall".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 448—An Act to amend Section 2494 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Bill read second time and ordered on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 84—An Act to amend Section 4789 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Senate Bill No. 84 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 79—An Act to amend Section 4299a of the Political Code of the State of California, relating to the county clerk's fees.

Senate Bill No. 79 was temporarily passed on file in the absence of the author, to retain its place.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 170 of said Act, in relation to the office and term of office of the Superintendent of Banks.

Read third time.

The question being on the passage of the bill.

The roll was called.

SENATORS EXCUSED FROM VOTING.

Senators Bills, Cutton, and Cutton asked for, and were granted, unanimous consent to be excused from voting on Assembly Bill No. 684.

Whereupon the President announced that Assembly Bill No. 684 was finally passed by the following vote:

AYES—Senators Avery, Behun, Bell, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Escudilla, Fitch, Gates, Harp, Hewitt, Holahan, Hunt, Julliard, Larkins, Lewis, Rogers, Roseberry, Rush, Sanford, Shanahan, Sessions, Strobbridge, Thompson, Tyrrell, Walker, and Welch—32.

NOES—Senators Wolfe and Wright—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wright arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I voted "No" on the Assembly bill which has for its purpose the legislating of Alden Anderson out of the position of Bank Commissioner, because, in my opinion, the measure does not tend to promote or benefit the public service. I do not approve of "eleventh hour appointments for political purposes," as that phrase is used in the recent message to the Senate from Governor Johnson, and thus far I am in full accord with the sentiment expressed by the Governor.

I have no desire to embarrass or in any way interfere with the present administration. I admire the independence of Governor Johnson, and hold him in such high esteem that I can not bring myself to believe that he will regard any Senator as opposed to his administration, or as opposed to his policies, or as an enemy of good government because he, forsooth, has the courage to voice his own sentiments or vote as his conscience dictates on any measure pending before this Senate.

I believe in political independence, and I dare to be independent, whether voting as a private citizen in the city of San Diego, or as the representative of my constituency in the State Senate. I know of my own personal knowledge, from statements made to me by members of this Senate, that a large number of Senators would vote "No" with me upon this bill if they did not fear to do so.

There should be no other consideration in the minds of Senators in determining how they shall vote upon any public question than its effect upon the public service, or upon the general welfare of the people. I know that the banking interests of this State are perfectly satisfied with the administration of the banking laws of this State by Mr. Anderson, and that his dismissal from the service will not in any way contribute to the betterment of the public service. I desire to vote for, and will vote in the support of, such administrative measures as I can in good conscience support, but I reserve the right, whether the measures be administrative, or from whatever source they come, if they do not commend themselves to my judgment, to speak and vote against them. I challenge the right of any man or any class of men to influence any Senator upon this floor by any instrumentality except an appeal to the reason or sense of justice and the zeal of the Senator for the general good of the people of this State. As I am convinced that this measure will not promote in any way the public service, I believed it my duty, though it may be a painful one, to cast my vote against it, and for that reason I have done so.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the words "and fifth classes," and insert in lieu thereof the following: "or fifth class".

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the word "one" where it first appears in said line, and insert in lieu thereof the following: "first".

Amendment adopted.

Also:

On page 2, Section 1, line 18, strike out the period, and insert in lieu thereof the following: "; or by a subsequent census taken as in Section 4055 of this Code provided."

Amendment adopted.

Also:

On page 2, Section 1, strike out all of lines 19, 20, 21, and 22, and in lieu thereof insert the following: "*Provided, however,* that appointments to fill any additional offices created by this section shall not be made by the board of supervisors except".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Supreme Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Assembly Bill No. 29 was temporarily passed on file, to retain its place.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Senator Curtin: Senate Bill No. 734—An Act to amend Section 4290 of the Political Code, relating to salaries, fees, and commissions of county officers, their deputies and assistants.

Bill read first time, and referred to Committee on County Government.

Also Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Bill read first time, and referred to Committee on Municipal Corporations.

Also Senate Bill No. 736—An Act to amend Section 4823 of the Political Code, relating to the duties of the county assessor in collecting taxes on personal property.

Bill read first time, and referred to Committee on Revenue and Taxation.

RESOLUTION—(OUT OF ORDER)

The following resolution was offered:

By Senator Cartwright:

WHEREAS, The Supreme Court of this State, on or about the 23d day of January, 1911, rendered a decision in the case of the people of the State of California vs. *Abrams-Rice*, in which the defendant requested a rehearing; and

WHEREAS, Various newspapers have published articles reflecting said decision, and insinuating that the Justices participating therein were motivated by corrupt and unworthy motives; and

WHEREAS, The integrity of our courts has been gravely assailed by public speakers and by many of our officers, all of which tends to destroy the confidence of the people in the purity and integrity of our courts of justice; be it

Resolved by the Senate, That the Assembly be requested to appoint a committee of the Assembly, such committee to be authorized, empowered and instructed to investigate the whole subject-matter and particularly to investigate said decision, the grounds upon which the decision is based and the conduct of the Justices of the Supreme Court in rendering said decision, and that the committee report to the Assembly the results of such investigation, with such recommendations as to the committee may seem most and proper in the premises; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers and to issue subpoenas and compel attendance of witnesses when necessary.

Resolution ordered referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER)

By Senator Wolfe: Senate Bill No. 737—An Act to amend Section 3 of an Act entitled "An Act to amend sections three, five, six, and ten of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889," approved March 24, 1893.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at the state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto, have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

FINN, Chairman.

Senate Bill No. 657 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund," provided for in said Act.

Also: Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FINN, Chairman.

Senate Bills Nos. 695, 696, and 697 ordered on file for second reading.

MOTION.

Senator Stetson moved that Senate Bill No. 333 be recalled from Committee on Engrossment and Enrollment and re-referred to Committee on Finance.

Motion carried.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Boynton, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 2, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates,

[illegible]

Quorum present

1983-84

Prayer by Chaplain, Rev. Father Henry H. Wynne.

READING OF THE JOURNAL

During the reading of the Journal of Wednesday, February 1, 1911 the further reading was dispensed with, in motion of senator Black.

STUDY OF THE EFFECT OF

Senator Boynton moved that the special order handling set for Thursday, February 2, 1911, immediately after the reading of the Journal, the same being the consideration of the motion to reconsider the vote by which Senate Bill No. 107—An Act to amend section four thousand hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State—was passed, be passed immediately by the absence of the mover.

Motion carried

Also

Senator Campbell moved that the special order heretofore set for Thursday, February 2, 1911, immediately after the consideration of the prior special order, the same being the consideration of the motion to reconsider the vote by which Senate Bill No. 901—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges—was passed, be postponed until Friday, February 3, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

MESSAGE FROM THE ASSEMBLY

The following message from the Assembly was taken up and read

ASSEMBLY CHAMBER, SACRAMENTO, FEBRUARY 2, 1911

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 256. An Act to amend section eight hundred and fifty four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Also Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller.

Also: Assembly Bill No. 499—An Act to amend Section 989 of the Code of Civil Procedure, relating to appeal.

Also, Assembly Bill No. 515, "An Act to repeal Article XVIII. of Chapter III. of Title I. of Part III of the Political Code, relating to the powers and duties of the Board of Examiners and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof; providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain state funds; the creation and payment of

deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 781, 499, and 515 read first time.

Assembly Bill No. 781 ordered referred to Committee on Irrigation.

Assembly Bills Nos. 499 and 515 ordered referred to Committee on Judiciary.

Senate Bill No. 256 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Bills:

Resolved, That the State Printer be and is hereby directed to print additional copies of Senate bills, as follows:

Senate Bill No. 113.....	100 copies.
Senate Bill No. 625.....	200 copies.
Senate Bill No. 626.....	200 copies.
Senate Bill No. 627.....	200 copies.
Senate Bill No. 656.....	250 copies.

Resolution read, and ordered referred to Committee on Printing.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 473—An Act to repeal Title XV. of Part IV. of Division Third of the Civil Code of the State of California, and to add a new Title XV. of Part IV. Division Third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Also Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1. of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bill No. 473 ordered on file for second reading.

Senate Constitutional Amendment No. 22 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 296—An Act to amend the title and sections one, two, three, four and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903, have had the same under consideration, and respectfully report the same back, and recommend that a committee substitute therefor do pass.

STETSON, Chairman.

Senate Bill No. 296. Ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Estudillo: Senate Bill No. 739—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option, authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions, providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted, forfeiting and declaring void all such licenses or permits theretofore issued and in force, making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Bill read first time and referred to Committee on Public Morals.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSING AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Also Senate Bill No. 399—An Act granting certain riparian lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the tracks under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Also Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Also Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Also Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Also Senate Bill No. 573—An Act to collect the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant, and to complete clear water system at the Preston School of Industry.

Also Senate Bill No. 143—An Act providing an appropriation of \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Also Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Also: Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 361, 362, 369, 399, 421, 445, 451, 494, 507, 573, 141, 142, 143, 160, and 348 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (RESUMED).

By Senator Campbell: Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the twelfth day of September, 1910.

Senate concurrent resolution referred to Committee on Municipal Corporations.

By Senator Boynton: Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be known as Section 626*p*, relating to the protection of beaver.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Caminetti: Senate Bill No. 741—An Act to amend section two hundred and eighty *b* of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section six of article four thereof, relating to senatorial and legislative districts.

Senate constitutional amendment ordered referred to Committee on Elections and Election Laws.

By Senator Strobbridge: Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit, and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California to be numbered Sections 630, 630*a*, and 630*b*, regulating the business of wholesale dealers in fish and in wild game and animals, and providing for a record of transactions therein.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 744—An Act to regulate the vocation of fishing for profit, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California; and to repeal an Act entitled "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California," approved March 13, 1909, and all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bell: Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty six and nineteen hundred and ninety one of the Code of Civil Procedure, both relating to subpoenas.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Education.

By Senator Black: Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 748—An Act to fix the salary of the State Forester, and to provide for a deputy state forester, an assistant forester, and two forest engineers, and to fix the salaries of the same.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 749—An Act to amend Sections 2322, 2322½, 2322, 2322½, and 2322½ of the Political Code of the State of California, said sections relating to orchards, trees, vines, or plants of any variety infected with diseases or scale insects of any kind injurious to fruit, fruit trees, vines, or other plants or vegetables, or noxious weeds, and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation, and term of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board, and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners, providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners, and providing for the appointment of deputy commissioners, local inspectors, and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Hurd: Senate Bill No. 750—An Act to amend section two hundred seventy-nine of the Code of Civil Procedure of the State of California, relating to the admission of attorneys.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Executive Communication, to whom was referred the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, February 1, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the above appointments be confirmed.

AVEY, Chairman.

Senator Boynton moved that the Senate take up the consideration of the report.

Motion duly seconded.

Motion carried.

The President put the question, "Will the Senate advise and consent to the appointment of John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Whereupon the President announced that the appointment of John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn, had been duly confirmed.

REPORT OF STANDING COMMITTEE—(RESUMED).

The report of standing committee was received and read.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 369—An Act to provide for the establishment and maintenance

of county free libraries in the State of California have had the same under consideration, and respectfully request the same back and recommend that it be passed as amended.

HEWITT, Chairman.

Assembly Bill No. 369 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file to retain its place.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 397c, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who, while so operating said automobile, motor cycle, or other motor vehicle, causes the death of, or bodily injury to any person, and prescribing a penalty for the violation of said section.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 376 passed by the following vote:

AYES—Senators Avey, Bell, Blyskal, Black, Boynton, Bryant, Cassinotti, Campbell, Cartwright, Cassidy, Curtis, Finn, Gages, Hewitt, Holsahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobebridge, Tyrrell, Walker, Wolfe, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle, or other motor vehicle, and prescribing a penalty for the violation of said section.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutton, Finn, Hewitt, Holsahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobebridge, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, and Welch—24.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

On motion of Senator Campbell, Senate Bill No. 82 was temporarily passed on file, to retain its place.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

On motion of Senator Burnett, Senate Bill No. 105 was temporarily passed on file, to retain its place.

Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Burnett, Senate Bill No. 106 was temporarily passed on file, to retain its place.

Senate Bill No. 249—An Act to amend Section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

On motion of Senator Hewitt, Senate Bill No. 249 was temporarily passed on file, to retain its place.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Senate Bill No. 225 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 264—An Act to repeal Section 596a of the Political Code of the State of California, relating to insurance.

On motion of Senator Cullen, Senate Bill No. 264 was temporarily passed on file, to retain its place.

Senate Bill No. 267—An Act to repeal Section 453i of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

On motion of Senator Cullen, Senate Bill No. 267 was temporarily passed on file, to retain its place.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

On motion of Senator Holohan, Senate Bill No. 406 was temporarily passed on file, to retain its place.

Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Senate Bill No. 448 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Ayle, Bishop, Bryant, Burton, Campbell, Campbell, Carmona, Cassidy, Cates, Cates, Foss, Gann, Harris, Herbert, Johnson, Jackson, Jones, Matthews, Regan, Seaton, Seward, Sisk, Sisk, Thompson, Tyndal, Walker, Welch, and Wolfe—27.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 188 was passed.

THIRD READING OF SENATE BILLS—(RESUMED)

Senate Bill No. 541—An Act to prevent the importation of meat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

On motion of Senator Bills, Senate Bill No. 541 was temporarily passed on file, to retain its place.

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

On motion of Senator Bills, Senate Bill No. 542 was temporarily passed on file, to retain its place.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State, for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violations of this Act.

On motion of Senator Bills, Senate Bill No. 543 was temporarily passed on file, to retain its place.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

On motion of Senator Bills, Senate Bill No. 544 was temporarily passed on file, to retain its place.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

On motion of Senator Bills, Senate Bill No. 545 was temporarily passed on file, to retain its place.

Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

On motion of Senator Bills, Senate Bill No. 546 was temporarily passed on file, to retain its place.

Senate Bill No. 257—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 refused passage by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Cullen, Gates, Hewitt, Juilliard, Lewis, Roseberry, Strobridge, Thompson, and Walker—13.

NOES—Senators Beban, Bills, Bryant, Campbell, Cartwright, Cassidy, Curtin, Finn, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Sanford, Shanahan, Stetson, Tyrrell, Welch, Wolfe, and Wright—21.

Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain, and operate a municipal street railroad over, upon, and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard,

Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant, and to complete clear water system at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 142 was temporarily passed on file, to retain its place.

Senate Bill No. 143—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 143 was temporarily passed on file, to retain its place.

Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtis, Cutler, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtis, Cutler, Finn, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Avey, Regan, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtis, Cutler, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Read third time.

On motion of Senator Larkins, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Senate Bill No. 573 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Read third time.

On motion of Senator Finn, Senate Bill No. 160 was temporarily passed on file, to retain its place.

Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 348 passed by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER LOST

In compliance with his notice given on a previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 107—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—None

NOES—Senators Avey, Rife, Black, Beattie, Brown, Burtch, Caminetti, Cassidy, Hill, Cassidy, Curtis, Curtis, Gales, Haas, Hays, Henth, Hinchey, Hunt, Jalland, Larkins, Lewis, Martin, R. R. Rogers, Ruck, Sanford, Sherman, Sisson, Thompson, Fyrell, Walker, Welch, Wells, and Wright—23.

Senate bill No. 107 ordered transmitted to the Assembly

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read

ON FINANCE

SENATE CHAMBER, SACRAMENTO, February 2, 1911

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman

Assembly Bill No. 611 ordered on file for second reading

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 333, from the Committee on Transportation and Enfranchisement, An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of commissioner of transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act, have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bill No. 333 ordered on file for third reading.

MOTION.

Senator Stetson moved that Senate Bill No. 333 be re-referred to Committee on Engrossment and Enrollment.

Motion carried.

Senate Bill No. 333 ordered re-referred to Committee on Engrossment and Enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)—(RESUMED).

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 638—An Act to amend Section 626e of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALKER, Chairman.

Senate Bills Nos. 637 and 638 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache slough and its tributaries, in the counties of Solano and Yolo—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 578 ordered on file for second reading.

SUSPENSION OF RULES.

Senator Curtin moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Read third time.

MOTION.

Senator Caminetti moved that Senate Bills Nos. 445, 399, and 451 be re-referred to the Committee on Judiciary, said bills to retain their place on the file.

Motion carried.

Senate Bills Nos. 445, 399, and 451 ordered re-referred to Committee on Judiciary, said bills to retain their places on file.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Hurd, the hour of recess was extended fifteen minutes.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — OUT OF ORDER

The following bills, etc., were introduced

By Senator Cartwright: Senate Bill No. 751—An Act to add a new section to the Penal Code of the State of California to be numbered 1398, relating to proceedings against associations

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 752—An Act to amend section one thousand three hundred and ninety one of the Penal Code of the State of California, relating to form of summons to be served on corporations in criminal proceedings.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 753—An Act to add a new section to the Penal Code of the State of California to be numbered 1399a, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 754—An Act to amend section one thousand three hundred and ninety of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 755—An Act to amend section one thousand three hundred and ninety-five of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 756—An Act to amend section one thousand three hundred and ninety-six of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

Bill read first time, and referred to Committee on County Government.

By Senator Rush: Senate Bill No. 758—An Act to amend Section 10 of an Act entitled: "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Beban: Senate Bill No. 759—An Act to amend Section 4290 of the Political Code of the State of California, relating to fees and salaries of county officials.

Bill read first time, and referred to Committee on County Government.

By Senator Finn: Senate Bill No. 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Bills: Senate Bill No. 761—An Act to add a new section to the Political Code of the State of California to be numbered 4169*a*, relating to the attendance of the county clerk or a deputy county clerk at a state convention of county clerks.

Bill read first time, and referred to Committee on County Government.

By Senator Caminetti: Senate Bill No. 762—An Act to add a new section to the Political Code of the State of California to be known and numbered as 633*a*, relating to resident agents for insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 763—An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 635, relating to a violation of the provisions of Article XVI, and fixing a penalty for such violations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 764—An Act to add a new section to the Penal Code of the State of California to be known and numbered 439*a*, making it a misdemeanor for any unauthorized person to solicit, procure, or obtain any risk for any insurance company or association.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 765—An Act to amend Section 634*a* of the Political Code, relating to the definition of certain words.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 766—An Act to add two new sections to the Political Code of the State of California to be known and numbered as 633*c* and 633*d*, relating to the appointment of insurance agents by nonresident insurance companies or associations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 767—An Act to add a new section to the Political Code of the State of California to be known and numbered as 633*b*, relating to the licensing of insurance agents, and the conditions under which policies or contracts of insurance may be issued by insurance corporations or associations.

Bill read first time, and referred to Committee on Corporations.

SECOND READING OF SENATE BILLS.

Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California; specifying the duties of certain officers and persons with relation thereto; making violations of its provisions a misdemeanor; providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

During second reading of the bill, the following amendment was offered by Senator Hurd:

On page 2, Section 1, line 22, after the word "act" add a new section to be known as Section 1*a*, and to read as follows:

"Sec. 1*a*.

VACCINATION CERTIFICATE.

This is to certify that _____ was vaccinated on _____, 19____, with proper aseptic precautions, and with vaccine prepared under United States

Government license. Full instructions were given for home care during the progress of the vaccination. I have this day _____ completed my observations of the case and certify that the vaccination was successful.

Signature of Vaccinator _____

Vaccine number—limitation date—manufacturer—

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any state structure, building, road, or other state improvement of any kind, and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 696—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Bill read second time, ordered engrossed, and on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Avey, Reban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Supreme Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

During second reading of the bill, the following amendments were offered by Senator Burnett:

Amend by inserting on page 1, Section 1, line 4, of the printed bill, after the word "be" the word "elected".

Amendment adopted.

Also:

Amend by striking out of Section 1, on page 2, in line 17, of the printed bill, after the word "within" the word "thirty".

Amendment adopted.

Also:

Amend by inserting on page 2, line 17, of Section 1, of the printed bill, after the word "within" the words "one hundred and eighty".

Amendment adopted.

Also:

Amend by striking out of the printed bill, of Section 1, on page 2, in line 20, after the word "judges" the word "already".

Amendment adopted.

Also:

Amend by inserting in the printed bill in Section 1, on page 2, in line 20, after the word "judges" the word "heretofore".

Amendment adopted.

Also:

Amend by inserting in Section 1, on page 2, line 22, of the printed bill, after the word "first" the following words: "Monday after the first".

Amendment adopted.

Also:

Amend by inserting in Section 1, on page 2, in line 27, of the printed bill after the word "and" the word "four"

Amendment adopted.

Also:

Amend by striking out of Section 1, on page 2, in line 31, of the printed bill the following: 'comma and'

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading

TIME FOR RECESS EXTENDED

At twelve o'clock and forty-five minutes P. M., on motion of Senator Hurd, the hour of recess was extended fifteen minutes

SENATOR STROBRIDGE IN THE CHAIR.

At twelve o'clock and fifty-five minutes P. M., Senator Strobbridge, of the Thirteenth District, in the chair.

PERMISSION TO USE SENATE CHAMBER GRANTED

Senator Thompson asked for and was granted unanimous consent that the Committee on Judiciary be granted the use of the Senate Chamber on Friday, February 3, 1911, at eight o'clock P. M., for a public hearing on Senate Constitutional Amendment No. 23, providing for the recall by the electors of public officials.

ADJOURNMENT.

At one o'clock P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 3, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 2, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 6, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section two of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than ninety days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof.

Senate constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, twelve o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Haas, Hare, Hewitt, Holahan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Snavan, Stetson, Strohbridge, Tyrnell, Walker, Welch, Wolfe, and Wright—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and seven minutes P. M. Senators Hurd and Thompson were brought to the bar of the Senate, and, on motion of Senator Wright, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Caminetti.

The roll of absentees was called, and Senate Constitutional Amendment No. 6 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Haas, Hare,

Hewitt, Holohan, Juthard, Larkins, Martinelli, Rush, Sanford, Shanahan, Stetson, Thompson, Welch, and Wright—30

NOES—Senators Bevinton, Hurd, Lewis, Regan, Roseberry, Strobridge, Tyrrell, Walker, and Wolfe—9

Senate Constitutional Amendment No. 6 ordered transmitted to the Assembly

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Campbell to reconsider vote whereby Senate Bill No. 301, An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges, was passed, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED

In compliance with his notice given on previous day, Senator Campbell moved that the vote whereby Senate Bill No. 301 was passed be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ayer, Beban, Bell, Bliss, Bondolf, Black, Brainer, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Griffin, Estabrook, Foss, Goss, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38

NOES—None.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Campbell moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "ten", before the word "and" and before the word "peremptory", and inserting in lieu thereof the following: "fifteen" before the word "and", and the word "fifteen" before the word "peremptory".

Also: In Section 1, line 7, strike out the word "five" before the word "and", and the word "five" before the word "peremptory", and insert in the line thereof the following: "ten" before the "and", and "ten" before the word "peremptory".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 301, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND COMMERCE.

SENATE COMMITTEE ON COMMERCE AND COMMERCE, February 2, 1901.

Mr. President: Your Committee on Commerce and Commerce have considered the following bills:

SENATE BILL NO. 100—An Act to amend Section 128 of the Civil Code.

SENATE BILL NO. 101—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 102—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 103—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 104—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 105—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 106—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 107—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 108—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 109—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

CASSIDY, Chairman.

Also:

SENATE COMMITTEE ON COMMERCE, February 2, 1901.

Mr. President: Your Committee on Commerce and Commerce have considered the following bills:

SENATE BILL NO. 110—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 111—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

And report that the same have been favorably considered.

CASSIDY, Chairman.

Senate Bills Nos. 159 and 161 ordered on the floor for reading.

Also:

SENATE COMMITTEE ON COMMERCE, February 2, 1901.

Mr. President: Your Committee on Commerce and Commerce have considered the following bills:

SENATE BILL NO. 162—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 163—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

SENATE BILL NO. 164—An Act to amend Section 128 of the Civil Code and to amend the provisions of the Civil Code relating to the provisions of the Civil Code.

4225/, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors.

Also Senate Bill No. 185. An Act to amend Section 426j, of the Penal Code of the State of California, relating to the manner, treating or tracking of stray dogs.

Also Senate Bill No. 306. An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election boards, the manner of voting, and the conduct of elections.

Also Senate Bill No. 350. An Act to amend Sections 426 and 426k of the Penal Code of the State of California, relating to the prevention and punishment of game and fish.

Also Senate Bill No. 536. An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 188, concerning the throwing or depositing of any glass bottle, glass, coffee, soda, beer, wine, or any other substance likely to injure any person, animal or vehicle, used on a highway in the State of California, and prescribing a penalty for the violation of such section.

Also Senate Bill No. 537. An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402j, compelling that certain hotels and lodging houses shall be provided with fire escapes, stairs, and other appliances.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 478, 586, 364, 182, 185, 306, 350, 536, and 537 ordered on file for third reading.

RE-REFERENCE OF BILL TO COMMITTEE.

Senator Boynton moved to re-refer Senate Bill No. 306. An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting, and the conduct of elections—to Committee on Engrossment and Enrollment.

Motion carried.

Senate Bill No. 306 ordered re-referred to Committee on Engrossment and Enrollment.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Senate Bill No. 188. An Act to amend section two thousand nine hundred and seventy nine a of the Political Code of the State of California, relating to the preservation of the public health—was passed, be now reconsidered.

Motion duly seconded.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of Senate Bill No. 188 be made a special order for Monday, February 6, 1911, immediately after the reading of the Journal.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Also: Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897.

Also: Assembly Bill No. 269 An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation (and providing for the payment thereof).

Also: Assembly Bill No. 317 An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

Also: Assembly Bill No. 141 An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Also: Assembly Bill No. 199 An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work, and known as children's home finding societies.

Also: Senate Bill No. 215 An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Adopted Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the rights of suffrage.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 541, 558, 269, 317, 141, and 199 read first time.

Assembly Bills Nos. 541 and 558 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 269 ordered referred to Committee on Mining and Oil Industries.

Assembly Bill No. 317 ordered referred to Committee on County Government.

Assembly Bill No. 141 ordered referred to Committee on Education.

Assembly Bill No. 199 ordered referred to Committee on Prisons and Reformatories.

Senate Bill No. 215 ordered to enrollment.

Senate Constitutional Amendment No. 8 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 614 An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARKINS, Chairman.

Senate Bill No. 614 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 261—An Act to amend that certain act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act which section shall be numbered 137a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted in the State of California, and imposing certain

duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Senate Bill hereby added thereto, have had the same under consideration, and respectfully report the same back with committee substitute and recommend that the committee substitute be adopted.

REGAN, Chairman.

Senate Bill No. 261 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 454—An Act to amend section two thousand of an Act entitled "An Act to provide for the formation, government, regulation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property therefor, the calling and conducting of elections in such districts; the assessment, levy, collection, remission and disbursement of taxes thereon, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, relating to the nature of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Also: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a State Hygienic Laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

Also: Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on said profession, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service, and providing penalties for violations thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REGAN, Chairman.

Senate Bills Nos. 454, 262, 113, and 472 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California to be known as number two thousand nine hundred eighty-two *c*, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Also: Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Finance.

REGAN, Chairman.

Senate Bills Nos. 627, 625, and 626 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months; requiring the labeling thereof by all persons selling or offering the same for sale; empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect, and fixing penalties for the violation of the same, or any of the provisions—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it pass as amended.

REGAN, Chairman.

Senate Bill No. 603 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine, of said act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Also: Senate Bill No. 498—An Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

Also: Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also: Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Also: Assembly Bill No. 781—An Act relating to the bonds of irrigation districts: providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEWIS, Chairman.

Senate Bills Nos. 497, 498, 600, 601, 602, and 622, ordered on file for second reading.

Assembly Bill No. 781 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 11 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred the following:

*ASSEMBLY JOINT RESOLUTION No. 8.

WHEREAS, The Government of the United States has in contemplation of the execution of a contract with the W. P. Hammon Truckee Electrical Company, by

which it is agreed to allow the said company to construct an artificial outlet to Lake Tahoe by driving a tunnel from the Nevada side of said lake to tap the said lake beneath the water level and divert its waters through the State of Nevada, and

WHEREAS, The said lake and the watershed of the same lies most largely in the State of California, and the present natural outlet of said lake is in the State of California, and the Truckee River, through which the overflow and flood waters of said lake flow for a distance of over thirty-five miles through the State of California, is the source of millions of dollars in wealth to this State; and

WHEREAS, The diversion of the waters of said lake from their present course would result in great damage to this State even under the present condition, with the discouraging prospect of much greater loss in the future by surrendering one of its greatest and most valuable water supplies, which carries with it so far the greatest possibilities and probabilities for beneficial use in domestic irrigation and power purposes in this State; therefore, be it

Resolved by the Assembly and Senate, jointly. That His Excellency William H. Taft, President of the United States, be and he is hereby most earnestly and respectfully urged not to enter into the contract heretofore mentioned, nor to permit such a contract to be executed, nor to allow any change to be made in the outlet of said lake that would result in the diversion of the flood or overflow waters of said lake from their present course.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

WRIGHT, Chairman.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION — OUT OF ORDER

Senator Wright asked for, and was granted, unanimous consent to have Assembly Joint Resolution No. 8 taken up for consideration out of order.

ASSEMBLY JOINT RESOLUTION NO. 8

WHEREAS, The Government of the United States has in contemplation the execution of a contract with the W. P. Hammond Truckee Electric Company, by which it is agreed to allow the said company to construct an artificial outlet to Lake Tahoe by driving a tunnel from the Nevada side of said lake to tap the said lake beneath the water level and divert its waters through the State of Nevada, and

WHEREAS, The said lake and the watershed of the same lies most largely in the State of California, and the present natural outlet of said lake is in the State of California, and the Truckee River, through which the overflow and flood waters of said lake flow for a distance of over thirty-five miles through the State of California, is the source of millions of dollars in wealth to this State; and

WHEREAS, The diversion of the waters of said lake from their present course would result in great damage to this State even under the present condition, with the discouraging prospect of much greater loss in the future by surrendering one of its greatest and most valuable water supplies, which carries with it so far the greatest possibilities and probabilities for beneficial use in domestic irrigation and power purposes in this State; therefore, be it

Resolved by the Assembly and Senate jointly. That His Excellency William H. Taft, President of the United States, be and he is hereby most earnestly and respectfully urged not to enter into the contract heretofore mentioned, nor to permit such a contract to be executed, nor to allow any change to be made in the outlet of said lake that would result in the diversion of the flood or overflow waters of said lake from their present course.

During the reading of the Assembly joint resolution the following amendments were submitted by committee:

On lines 2 and 3, of the original resolution, after the word "true", at the end of line 2, strike out the words "W. P. Hammond Truckee Electric Company", and insert in lieu thereof the words: "Truckee River General Electric Company".

Amendment adopted.

Also:

Following the words "in this State", in the last line of paragraph 3, of the original resolution, strike out the words "therefore be it", and insert in lieu thereof the following:

"WHEREAS, The State of California claims to own the major portion of the waters of said lake, and protests against the diversion of said waters, and will resist the diversion contemplated as an invasion of the rights of the people of this State; therefore, be it".

Amendment adopted.

Assembly Joint Resolution No. 8 ordered to print and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Assembly Joint Resolution No. 8.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes p. m., on motion of Senator Bell, the hour of recess was extended fifteen minutes.

REPORTS OF STANDING COMMITTEE—(RESUMED).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard weight, and promeasures for flour and bran in sacks.

Also: Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof to be numbered Section 4½, relating to appeals in criminal cases.

Also: Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 337 and 338 ordered on file for second reading.

Senate Constitutional Amendment No. 26 ordered on file.

Assembly Bill No. 68 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass and be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 416 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 316—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the services of summons in civil actions in Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

STETSON, Chairman.

Senate Bill No 316 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Section 99, 100, 101, 102, 102a, and 102b, relating to Justices' Courts in townships having a population of not less than 300,000 and not more than 400,000.

Also: Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California, entitled "An Act to authorize the incorporation of rural co-operative associations," approved April 18, 1859.

Also: Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1182½ and Section 1183½, relating to liens of mechanics and others.

Also: Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Also: Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1275½, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

Also: Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summonses, issued out of a Justice's Court, outside of the county in which the action is brought.

Also: Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers, and regulate their charge and business," approved April 16, 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 540, 190, 646, 647, 52, 97, and 492 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 645—An Act to amend Section 2955 of the Civil Code, relating to what personal property may be mortgaged—have had the same under consideration, and respectfully report the same back, and recommend that the same be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 645 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wolfe asked for, and was granted, unanimous consent to withdraw Senate Bill No. 645—An Act to amend Section 2955 of the Civil Code, relating to what personal property may be mortgaged.

Senate Bill No. 645 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—RESUMED.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same—have had the same under consideration, and respectfully report the same back, with instructions that the same be referred to a special committee for amendment, and recommend that the same do pass, if amended, as proposed by the chairman of this committee.

STETSON, Chairman.

Senate Bill No. 163 ordered on file for third reading.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 163, for consideration out of order, for the purpose of amendment.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and

payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same.

Read third time previously.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Hewitt, as a special committee of one, to amend as follows:

Amend title by striking out of line 5 the word "paid", and inserting in lieu thereof the word "payable"; also by placing a period after the word "demand", in line 5, and striking out the rest of line 5 and line 6.

Also: Strike out of Section 1 all after the word "State", in line 7, and all of lines 8, 9, 10, and 11, and insert in lieu thereof the following: "*Provided, however,* that the provisions of this Act shall not apply to counties, cities and counties, municipal corporations, quasi-municipal corporations, or school districts organized and existing under the laws of this State".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your committee of one, to whom was referred Senate Bill No. 163, with special instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 163.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 84—An Act to appropriate money for the completion, etc., of the dining hall, etc., at the California Polytechnic School.

Also: Senate Bill No. 85—An Act to appropriate money for the development of the water system at the California Polytechnic School.

Also: Senate Bill No. 86—An Act to appropriate money for the construction and equipment of a foundry, etc., at the California Polytechnic School.

Also: Senate Bill No. 87—An Act to appropriate money for the construction, etc., of dormitories for the California Polytechnic School.

Also: Senate Bill No. 88—An Act to appropriate money for the equipment of additional school buildings at the California Polytechnic School.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops, etc., for the California Polytechnic School.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement of the power, etc., of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system at the California Polytechnic School.

Also: Senate Bill No. 92—An Act to appropriate money for the erection of three cottages for officers, etc., at the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money to purchase farm machinery, etc., at the California Polytechnic School.

Also: Senate Bill No. 95—An Act to appropriate money for repairs, etc., at the California Polytechnic School.

Also: Senate Bill No. 96—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Also: Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, disk and plant the infield grounds and gravel walks and drives, park and grounds, improve the system of irrigation, and construct public conveniences on the state fair grounds at Agricultural Park near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 560—An Act authorizing and directing the directors of the State Agricultural Society, to move the building now on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, known as the Poultry Building, and building an addition thereto, and making an appropriation therefor.

Also: Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society fixing their compensation and providing how extra help may be employed and paid.

Also: Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 564—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the coliseum, or amphitheater, providing for its equipment and appropriating money therefor.

Also: Senate Bill No. 658—An Act to provide for the construction of gravel walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passage way to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 661—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 559, 560, 562, 563, 564, 658, 659, 660, and 661 ordered re-referred to Committee on Finance.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be and is hereby directed to print additional copies of Senate Bills, as follows:

Senate Bill No. 113	100 copies.
Senate Bill No. 625	200 copies.
Senate Bill No. 626	200 copies.
Senate Bill No. 627	200 copies.
Senate Bill No. 656	250 copies.

Have had the same under consideration, and respectfully report the same back, and recommend that same be adopted.

HANS, Chairman.

Resolution read and adopted.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 8—An Act to provide for the establishment, maintenance and control of a sanatorium for the treatment of tuberculosis and making

appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be re-referred to Committee on Finance.

REGAN, Chairman.

Senate Bill No. 8 ordered re-referred to Committee on Finance.

SUSPENSION OF RULES.

Senator Martinelli moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Bill No. 768—An Act to define and regulate the business of banking; classifying banks into savings banks, commercial banks, trust companies, and building and loan associations; creating a State Banking Department, and providing for the inspection, examination, and control of all banks as above classified by the officers and employees of said banking department; providing for the raising of funds from said banks for the purpose of paying the expenses of such State Banking Department; making a violation of certain provisions of this Act a crime; repealing an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909; repealing an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for the requiring associations to procure licenses, and to make and file reports; providing penalties for violation of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, and all Acts and parts of Acts amendatory thereof or supplemental thereto; repealing Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, and 648a of the Civil Code, relating to building and loan associations; and also providing for the Superintendent of Banks in this Act provided for succeeding to the powers of, and being the successor in interest of, the Superintendent of Banks and also the Building and Loan Commissioners provided for in the Acts and parts of Acts hereby repealed; and also providing for the continuance in force of all actions and proceedings brought and pending under said Acts or parts of Acts hereby repealed; and also repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Banking.

By Senator Behan: Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1966, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Gates: Senate Bill No. 770—An Act to enable the board of supervisors of any county, or city and county, in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county, or city and county, and of all kindred or allied patriotic organizations.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Bill read first time, and referred to Committee on Finance.

By Senator Haas: Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sanford: Senate Bill No. 774—An Act providing for the time of payment of wages.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

Also: Senate Joint Resolution No. 15—Relative to the plague and famine existing in China and Manchuria.

Senate Joint Resolution referred to Committee on Federal Relations.

By Senator Curtin: Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State relating to trials in civil causes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and Parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 777—An Act legalizing the formation and organization of Reclamation District number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Hurd: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and thirty-six one hundred dollars to pay the claim of F. P. Sawyer against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Birdsall: Senate Bill No. 779—An Act providing for surveys and reports, with estimates of cost of reclamation of the great central valley of California, including the Sacramento-San Joaquin Kern, and Tulare valleys, and making an appropriation therefor.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Welch: Senate Bill No. 780—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Bill read first time, and referred to Committee on Apportionment and Representation.

By Senator Black: Senate Bill No. 781—An Act to amend Sections 602 and 627 of the Penal Code of California, relating to trespass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 782—An Act to amend Section 3825 of the Political Code of the State of California, relating to the collection of taxes on unsecured personal property.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 783—An Act appropriating money for the relief of famine and plague victims in China.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 784—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Bill read first time, and referred to Committee on Finance.

By Senator Stetson: Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of jurors' and reporters' fees in actions other than criminal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, photographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered 10571, relating to justification by corporate surety on bonds or undertakings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 789—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 790—An Act to provide for reinforced concrete floors, building of troughs, and the changing, improving and renovating of the dairy barn, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Bills: Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections to be numbered Section 654b and Section 654c, prohibiting any person, firm, or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate, without the written authority of the owner, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Constitutional Amendment No. 31—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California amending section eight of article eleven thereof, relating to charters of cities and amendments to such charters.

Senate constitutional amendment referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the

acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements; and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Martinelli (by request): Senate Bill No. 794—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of state institutions in the manufacture, or production of articles for the use of state officers, or officers, or employees of state institutions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 795—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of state institutions in the manufacture or production of articles, for the use of state officers, or the officers and employers (employees) of state institutions, approved March 19, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 796—An Act to add a new section to the Political Code of the State of California to be known as Section 988, relating to the payment of premiums on official bonds.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 797—An Act to repeal an Act entitled, "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 798—An Act to add a new section to the Political Code of the State of California, to be known as section thirty-five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 799—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 800—An Act to add a new section to the Political Code of the State of California to be known as section forty-two hundred and twenty-one, relating to markings of Government survey.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 801—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey," approved March 18, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 802—An Act to add to Chapter III, Title VII, Part III of the Political Code of the State of California thirteen new sections to be numbered as sections thirty hundred and seventy-four and a half, thirty hundred and seventy-five and a half, thirty hundred and eighty *a*, thirty hundred and eighty *b*, thirty hun-

dred and eighty *c*, thirty hundred and eighty *d*, thirty hundred and eighty *e*, thirty hundred and eighty *f*, thirty hundred and eighty *g*, thirty hundred and eighty *h*, thirty hundred and eighty *i*, thirty hundred and eighty *j*, and thirty hundred and eighty four, relating to the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

SENATOR BELL IN THE CHAIR

At twelve o'clock and fifty five minutes P. M., Senator Bell of the Thirty-sixth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—RESUMED

By Senator Martinelli—(by request): Senate Bill No. 804—An Act to repeal an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: (by request): Senate Bill No. 804—An Act to add three new sections to the Political Code of the State of California to be known as sections six hundred and eighty-six, six hundred and eighty-seven, and six hundred and eighty-eight, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: (by request): Senate Bill No. 805—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof," approved March 18, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: (by request): Senate Bill No. 806—An Act to add a new section to Chapter XII, Title II, Part IV, of the Political Code of the State of California to be known as section forty-three hundred and twenty-six, relating to charges of city justices and constables against counties.

Bill read first time, and referred to Committee on Judiciary.

Also: (by request): Senate Bill No. 807—An Act to repeal an Act entitled "An Act forbidding the payment of municipal officers out of the funds of the county," approved March 8, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 808—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as section twenty-eight hundred and eighty-two, relating to ferries across navigable rivers separating counties, and empowering the board of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 809—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the board of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof," approved March 16, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 810—An Act to add a new section to the Political Code of the State of California to be known as section six hundred and eighty three, prohibiting the creation of debts against the State in excess of appropriations made by law, except in costs of actual necessity and on consent of the Governor, Secretary of State, and Attorney General.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 811—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners."

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 812—An Act to amend section one hundred eighty three of the Penal Code of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, the governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 813—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President, the Vice-President of the United States, or governor of any state or territory, any United States justice or judge, or the secretary of any executive department of the United States, a felony; and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 814—An Act to add a new section to the Penal Code of California to be known as section two hundred and forty-seven, making an attempt to kill or commit an assault upon, the President or the Vice-President of the United States, the Governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 815—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen

hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 816—An Act to add a new section to the Penal Code of California to be known as section seventy-nine, relating to school officers and teachers acting as agents.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 817—An Act to add a new section to the Penal Code of California to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 818—An Act to add a new section to the Penal Code of California to be known as section four hundred and twenty-two, relating to disturbing schools or school meetings.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 819—An Act to add a new section to the Penal Code of California to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 820—An Act to repeal an Act entitled, "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 821—An Act to add a new section to the Penal Code of California to be known as section six hundred and fifty-three *c*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 822—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 823—An Act to add a new section to the Penal Code of California to be known as section two hundred and ninety-six, relating to the injury or destruction of property in cemeteries.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 824—An Act to add two new sections to the Penal Code of California to be known as sections five hundred and ninety-six *a* and five hundred and ninety-six *b*, relating to the unlawful administering of drugs to animals on exhibition.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 825—An Act to repeal an Act entitled "An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock except for medicinal purposes, and making the same a misdemeanor," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 826—An Act to add a new section to the Penal Code of California to be known as section seven hundred twenty-eight, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 827—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 828—An Act to add a new section to the Penal Code to be known as section six hundred and forty-eight *b*, relating to advertising on the American flag.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 829—An Act to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1899.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 830—An Act to add three new sections to the Penal Code of California, to be known as sections three hundred and seventy-four *b*, three hundred and seventy-four *c*, and three hundred and seventy-four *d*, preventing the spread of contagious diseases among animals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 831—An Act to repeal an Act entitled, "An Act to prevent the spread of contagious diseases among animals," approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 832—An Act to add a new section to the Penal Code of California to be known as section seven hundred and twenty-one, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 833—An Act to repeal an Act entitled, "An Act authorizing and requiring boards of commissions having the management and control of paid police force to grant the members thereof yearly vacations," approved March 10, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 834—An Act to add a new section to the Penal Code of California to be known as section seven hundred and seventy-three, relating to the intoxication of officers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 835—An Act to repeal an Act entitled, "An Act relating to the intoxication of officers," approved April 15, 1880.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 836—An Act to add two new sections to the Penal Code of California, to be known as section fifteen hundred ninety-seven relating to authorizing and empowering the State Board of Prison Directors to purchase California grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold, and the payment of the expenses and

costs of the trial of convicts for crimes committed in the state prison, and to pay the costs of the trial, or assumed convicts and to pay for the expenses of coroner's inquests in said prison.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 837—An Act to repeal an Act entitled, "An Act to authorize and empower the State Board of Prison Directors to purchase California grown hemp to be used in the manufacture of grain bags, and to fix the price at which such hemp shall be sold," approved March 16, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 838—An Act to add a new section to the Penal Code of California to be known as section five hundred and two *a*, relating to larceny of real estate.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 839—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny," approved March 6, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 840—An Act to add a new section to the Penal Code of California, to be known as section three hundred and seventy-four *a*, relating to contagious or infectious diseases among domestic animals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 841—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals," approved March 23, 1897.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 842—An Act to amend section five hundred and ninety-seven of the Penal Code of California, relating to cruelty of animals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 843—An Act to repeal an Act entitled, "An Act to prohibit the use of bristle bar, tack bar, or other like devices on horses or other animals in this State," approved March 13, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 844—An Act to amend section five hundred sixty-four of the Penal Code of California, relating to false statements by officers of corporations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 845—An Act to repeal an Act entitled, "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878.

Bill read first time and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 846—An Act to amend section seventy-four *a* of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 847—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers," approved April 1, 1872.

Bill read first time, and referred to Committee on Judiciary.

TIME FOR RECESS EXTENDED.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended fifteen minutes.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Martinelli (by request): Senate Bill No. 848—An Act to repeal an Act entitled "An Act to regulate medical practice, to prevent blindness in infants," approved February 17, 1897.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 849—An Act to repeal an Act entitled, "An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles," approved March 16, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 850—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 851—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution," approved April 15, 1880.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 852—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 853—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 854—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 855—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April 3, 1876.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 856—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 857—An Act to repeal an Act entitled "An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof," approved March 18, 1885.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 858—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps," approved February 28, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 859—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary," approved March 11, 1893.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 860—An Act to repeal an Act entitled "An Act to promote emigration from the State of California," approved March 26, 1880.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 861—An Act to repeal an Act entitled "An Act to legalize applications heretofore made for the purchase of lands belonging to this State, and to confirm the title of the purchasers under such applications," approved March 27, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 862—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 863—An Act to repeal an Act entitled "An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight, their privileges and exemptions, and retirements, and providing for the return to the National Guard of such organization, officers, and members," approved March 21, 1899.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 864—An Act to repeal an Act entitled "An Act to prevent destruction by fire of property of contagious owners," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 865—An Act to repeal an Act entitled "An Act to prevent combinations to obstruct the sale of live stock in the State of California," approved March 27, 1893.

Bill read first time, and referred to Committee on Judiciary.

Also (by request) : Senate Bill No. 866—An Act to repeal an Act entitled "An Act relative to the meeting place of high school boards within municipal corporations," approved March 15, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 867—An Act to repeal an Act entitled "An Act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class," approved February 14, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure, to be known as 280d, relating to graduates of the Young Men's Christian Association law college of San Francisco being admitted to practice without examination.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 869—An Act to amend the Penal Code of California by adding a new section thereto to be known and designated "Section 439a", requiring the entire consideration to be stated in all policies of insurance, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Corporations.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 473—An Act to repeal Title XV, of Part IV, of division third of the Civil Code of the State of California, and to add a new Title XV, of Part IV, division third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

During second reading of the bill, the following amendments were submitted by committee:

On page 17, Section 3150, line 3, of the printed bill, strike out the word "sixty-five of this Act", and insert in lieu thereof the words "three thousand one hundred and forty-seven".

Amendment adopted.

Also:

On page 20, Section 3165, line 1 of the printed bill, strike out the word "Act", and insert in lieu thereof "title".

Amendment adopted.

Also:

On page 23, Section 3183, line 3, of the printed bill, strike out the word "Act", and insert in lieu thereof the word "title".

Amendment adopted.

Also:

On page 32, Section 3227, line 3, of the printed bill, strike out the words "seventy-two", and insert in lieu thereof the words "three thousand one hundred and fifty-four".

Amendment adopted.

Also:

On page 32, Section 3227, lines 3 and 4, of the printed bill, strike out the words "eighty-five of this Act", and insert in lieu thereof the words "three thousand one hundred and sixty-seven".

Amendment adopted.

Also:

On page 36, Section 3249, line 8, of the printed bill, strike out the words "one hundred and four", and insert in lieu thereof the words "three thousand one hundred and eighty-six".

Amendment adopted.

Also:

On page 36, Section 3250, line 1, of the printed bill, strike out the words "eighty-one", and insert in lieu thereof the words "three thousand one hundred and eighty-three."

Amendment adopted.

Also:

On page 40, Section 3266f, line 3, of the printed bill, insert a period after the word "hereof", and strike out the words "and or", and insert in lieu thereof the word "In".

Amendment adopted.

Also:

On page 13, Sec. 3131, line 2, of the printed bill, strike out the word "Act" and in lieu thereof insert the word "title".

Amendment adopted.

Also:

On page 14, Sec. 3133, line 2, of the printed bill, strike out the word "Act" and in lieu thereof insert the word "title".

Amendment adopted.

Also:

On page 19, Sec. 3163, line 3 of the printed bill, strike out the word "act" and insert in lieu thereof the word "title".

Amendment adopted.

Also:

On page 20, Sec. 3166, lines 4 and 5, of the printed bill, strike out the brackets.

Amendment adopted.

Also:

On page 24, Sec. 3189, line 13, of the printed bill, strike out the word "act", and insert in lieu thereof the word "title".

Amendment adopted.

Also:

On page 32, Sec. 3230, line 3, of the printed bill, strike out the word "act", and insert in lieu thereof the word "title".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 296.—An Act to amend the title and sections one, two, three, four, and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 296.

An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an Act entitled an Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any and all persons engaged in manufacturing, bottling, or selling olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages in bottles, siphons, or kegs, with his, her, its or their name or names, or other marks or devices, branded, stamped, engraved, etched, and blown, impressed, or otherwise produced upon such bottles, siphons, or kegs, or the boxes used by him, her, it, or them, may file in the office of the clerk of the county in which his, her, its, or their principal place of business is situated, and also in the office of the Secretary of State, a description of the name or names, marks, or devices, so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with olive oil, salad oil, or any substitution for, or similar to olive oil, ripe or green olives, soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicine, compounds, or mixtures, any bottle, box, siphon or keg, so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in section one of this Act, or deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, box, siphon, or keg so filled, trafficked in, used, or handled as aforesaid. It is hereby declared to be unlawful for any person, firm, or corporation engaged in the manufacture, preparation or selling of drugs, or food products to use bottles, in bottling or packing their products that have been previously used for other purposes.

Any person or persons or corporation offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment of not less than ten days nor more than six months or by a fine of fifty cents for each and every such bottle, box, siphon or keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment; and for each subsequent offense by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every bottle, box, siphon, and keg so filled, sold, used, disposed of, bought or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

SEC. 3. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be or shall have been upon the same, without such written consent or purchase, as aforesaid, or any such mark or distinguished bottle, box, siphon, or keg, a description of the name, mark or device whereon shall have been filed and published, as herein provided, for the sale therein of olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, compounds, or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using, disposing of, or trafficking in of any such bottles, boxes, siphons, or kegs, by any person other than said persons or corporations having a name, mark, or device thereon, or such owner, without such written consent, or the having by any junk dealer, or dealer in second hand articles, possession of any such bottles, boxes, siphons, or kegs, a description of the marks, names, or devices wherein shall have been so filed and published as aforesaid, without such written consent, shall and

is hereby declared to be presumptive evidence of the said unlawful use, purchase or traffic in of such bottles, boxes, siphons, or kegs.

SEC. 4. Whenever any person, persons or corporations mentioned in said Act or of this act, or his, her, or it, or their agent, shall have, with intent and knowledge that he, she or it has reason to believe, and does believe, that any of his, her, or their bottles, boxes, siphons, or kegs, a description of the names, marks or devices, wherein has been so filed and published in accordance with the provisions of said Act, or had by any person or corporation, or manufactured or sold, or used, soda, mineral or aerated waters, porter, ale, beer, cider, ginger ale, small beer, lager beer, weiss beer, beer, white beer, or other beverages, or that any junk dealer, or dealer in second-hand goods, or dealer in bottles or boxes, or person or corporation, has any such bottles, boxes, siphons, or kegs, in his, her, or its possession, or secreted in any place, the said magistrate, upon information, and a search warrant to discover and seize the same, and that may have to be brought before him the person in whose possession such bottles, boxes, siphons, or kegs may be found, and then inquire into the circumstances in such connection, and if said magistrate finds that such person has been guilty of a violation of any provision of this Act, he must impose the punishment therein provided, and he shall also cause possession of the property taken upon such search, seizure, or seizure, to be returned.

SEC. 5. The reporting, taking, or conveying of a bottle, or any device, or any property upon any bottle, box, siphon, or keg, shall not be deemed to constitute a sale of such property, either optional or otherwise, in any manner or under this Act.

SEC. 6. Any person or persons, corporation or corporations, who has or have heretofore filed in the offices mentioned in Section 4 of this Act, a description of the name or names, marks, or devices upon any bottle, box, or the property therein mentioned, and has caused the same to be published according to the laws existing at the time of such filing and publications, shall not be bound to make any and publish such description to be printed in the journals of this Act, and any person or persons, corporation or corporations, having complied with the provisions of this Act, may as a part of the sale, assignment or conveyance of all his, her, their, or its bottles, boxes, siphons, or kegs, used as aforesaid, with ale, beer, cider, or any name or names or other marks or devices, licensed, sealed, engraved, etched and blown, impressed or otherwise produced upon such bottles, boxes, siphons, and kegs, to any other person or persons, corporation or corporations, engaged in manufacturing, bottling or selling of olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages, sell, assign, and transfer the same and the right of using said name or names, mark or devices to said persons. And in the event of such sale, transfer or assignment as aforesaid, as in the event of the transfer by operation of law or by sale under order of any court of the entire business of such person or persons, corporation or corporations, of the entire stock of bottles, boxes, siphons or kegs, belonging to them, him, her or it, to any person or persons, corporation or corporations, engaged in the manufacturing, bottling or selling of olives, olive oil, salad oil, soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages, such person or persons, corporation or corporations, shall not be bound to file and publish a description of said name or names, marks, or devices, respectively, but shall be entitled to all the benefits of this Act in relation to any business of such bottles, boxes, siphons or kegs or such business as aforesaid.

SEC. 7. An Act entitled "An Act to amend the various Acts relating to bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, (1891, 418) and an Act entitled "An Act to amend an Act entitled an Act to amend the various Acts relating to bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," (approved March 31, 1891) by adding thereto a new section to the Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assentments, and by renumbering Section 6 of said Act as Section 7 thereof, approved March 5, 1903, and all Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 637.—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Bill read second time, ordered engrossed, and on file for third reading.

TIME FOR RECESS EXTENDED.

At one o'clock P. M., on motion of Senator Hurd, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

Senate Bill No. 350—An Act to amend Section 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Strobbridge moved to refer to Senator Stetson, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, the word "first", and inserting in lieu thereof the following: "fifteenth".

Also: By striking out of Section 1, line 3, the words "fifteenth day of February", and inserting in lieu thereof the following: "first day of March".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 350, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RECALL OF JOINT RESOLUTION FROM ASSEMBLY.

Senator Stetson moved that Senate Joint Resolution No. 5—Approving the charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910, be recalled from the Assembly and be re-referred to Committee on Engrossment and Enrollment.

Motion carried.

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Senator Burnett, the President declared the Senate adjourned until Monday, February 6, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER.

Monday, February 6, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Boland, Black, Brown, Bryant, Caminetti, Campbell, Cartwright, Cassady, Carson, Cather, Chandler, Cook, Gages, Hays, Hare, Hewitt, Holahan, Horn, Johnson, Perkins, Lewis, Matthews, Rossmore, Rush, Sanford, Shattuck, Stetson, Strathmore, Thompson, Tilton, Walker, Welch, and Wright—38.

Quorum present.

PRAYER.

Prayer by Rev. Father Clarence Woodman, of San Francisco.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Welch, granted leave of absence for this day.

Senator Regan was, on motion of Senator Behan, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 3, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the reconsideration of the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 188 was passed be postponed, and made a special order for Tuesday, February 7, 1911, immediately after the reading of the Journal.

Motion carried.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the special order heretofore set for Tuesday, February 7, 1911, immediately after the reading of the Journal, the same being the consideration of Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury, by providing that three fourths of a jury may render a verdict in crim-

inal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court—be postponed until Friday, February 10, 1911, immediately after the reading of the Journal.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 4, 1911, adopted Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 6 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 4, 1911, amended, and passed as amended, Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Also: Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also: Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 26?"

On page 2, Section 1, line 17, strike out the period, and in lieu thereof insert the following: " ; provided, that nothing herein shall change the classification of existing cities organized under the municipal corporation Act."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 26 by the following vote:

AYES—Senators Avey, Behan, Bell, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Catten, Estudillo, Finn, Gates, Hans, Hays, Hewitt, Holohan, Hurd, Juilliard, Roseberry, Rust, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Senate Bill No. 26 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 48?"

Strike out of line 3, of the printed bill, the word "Section".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 48 by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Catten, Estudillo, Gates, Hans, Hays, Hewitt, Hurd, Roseberry, Rust, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wright—25.

NOES—None.

Senate Bill No. 48 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 110?"

In Section 3, line 15, page 3, of the printed bill, after the word "punished" insert a comma.

Also: In Section 4, line 32, page 4, of the printed bill, strike out the word "officers", and insert in lieu thereof the word "officer".

Also: In Section 6, line 8, page 5, of the printed bill, after the word "that," insert a comma.

Also: In Section 5, line 31, page 5, of the printed bill, after the word "will" strike out the comma.

Also: In Section 6, line 41, page 6, of the printed bill, after the word "matter" strike out the word "as".

Also: In Section 6, line 79, page 7, of the printed bill, strike out the word "work", and insert in lieu thereof the word "works".

Also: In Section 8, line 9, page 8, of the printed bill, after the word "hereafter" strike out the words "to be".

Also: In Section 10, line 15, page 9, of the printed bill, strike out the word "legislative", and insert in lieu thereof the word "legislative".

Also: In Section 10, line 18, page 9, of the printed bill, strike out the word "legislative", and insert in lieu thereof the word "legislative".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 110 by the following vote:

AYES—Senators Avey, Bohan, Bell, B.P's, Bussell, Busk, Burrows, Burton, Cramer, Crotti, Campbell, Cassidy, Escondido, Fann, Geary, Hahn, Harris, Howell, Hunt, Juddard, Roseberry, Shanahan, Steison, Strickland, Thompson, Tyrrell, Walker, Webb, and Wright—28.

NOES—None.

Senate Bill No. 110 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 4, 1911, passed Senate Bill No. 120—An Act to amend the act relating to the purchase and installation of two steam boilers for the Nepea State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Also: Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or an vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Also: Senate Bill No. 244—An Act to amend section four hundred and eighty-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Also: Senate Bill No. 277—An Act to amend Section 1 of an Act entitled "An Act concerning dependent and delinquent minor children; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children; and fixing the salaries of probation officers; providing for detention houses for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," defining the words "dependent child."

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 426, 134, 10, 244, and 277 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 4, 1911, passed Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Also: Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations."

Also: Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Also: Assembly Bill No. 654—An Act authorizing any municipal corporation using the word "town" in its corporate name, to change such word to "city," and providing the procedure therefor.

Also: Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

Also: Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202 and 1203, of the Code of Civil Procedure of the State of California, and to repeal Sections 1183*a*, 1200, and 1203*a* of said code, all relating to the liens of mechanics and others.

Also: Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California to be numbered 4261*a*, relating to and fixing the compensation of grand and trial jurors in the Superior Court in counties of the thirty-second class.

Also: Assembly Bill No. 559—An Act to create a reclamation district to be called Reclamation District Number 900, and providing for the control and management thereof.

Also: Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor, issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

Also: Assembly Bill No. 463—An Act to provide for the organization of the railroad commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its power and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 473, 807, 407, 654, 623, 278, 318, 559, 37, and 463 read first time.

Assembly Bills Nos. 473, 407, 623, 278, and 318 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 807 and 654 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 559 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 37 ordered referred to Committee on Public Morals.

MOTION.

Senator Stetson announced that Assembly Bill No. 463 is identical with Senate Bill No. 333, and moved that Assembly Bill No. 463 and Senate Bill No. 333 be referred to the Committee on Engrössment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 463 and Senate Bill No. 333 ordered referred to Committee on Engrössment and Enrollment.

MESSAGES FROM THE ASSEMBLY—RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: I am directed to inform your Honorable Body that the Assembly on this day passed Assembly Bill No. 516—An Act to amend Section 364 of the Political Code, relating to the Board of Engineers, and to amend Section 364 of the Political Code, relating to the State Board of Counsel.

L. B. MALLORY, Clerk of the Assembly.
By THOMAS G. WATSON, Assistant Clerk.

Assembly Bill No. 516 read first time and ordered referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Senator Estudillo:

Resolved, That a vote of thanks on behalf of the Senate be conveyed to the Williams Jubilee Singers for the very pleasant entertainment given the Senate this morning.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 407—An Act to provide for the reconstruction of the work of the construction of a breakwater in Monterey Bay as recommended by the report of the Chief of Engineers, United States Army, filed April 16, 1909, in a document of the United States House of Representatives, No. 1084, SIXTY-SEVENTH CONGRESS, third session, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

WELCH, Chairman.

Senate Bill No. 407 ordered referred to Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Also: Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Also: Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven, of the Political Code, relating to tax sales.

Also: Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 558—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation and requiring that the signatures of each person therein named as director shall be affixed to said articles of incorporation and acknowledged.

Also: Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Also: Senate Bill No. 643—An Act regarding irrigation, and declaring the same to be a public use.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 664, 98, 119, 202, 558, 589, and 643 ordered on file for second reading.

Assembly Bill No. 217 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 556—An Act to amend the Code of Civil Procedure, by adding a new section thereto to be numbered eighteen hundred seventy and one half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

Also: Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Also: Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Also: Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county, in the State of California.

Also: Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Also: Senate Bill No. 429—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 556, 80, 400, 653, 590, 429, and 591 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 666—An Act to amend section one thousand two hundred and forty-one of the Civil Code of the State of California, relating to when a homestead is subject to execution—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

STETSON, Chairman.

Senate Bill No. 666 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 666—An Act to amend section one thousand two hundred and forty-one of the Civil Code of the State of California, relating to when a homestead is subject to execution.

Senate Bill No. 666 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES — RESUMED

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 333: An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making it unlawful for the purpose of carrying out the provisions of this Act, and repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor," and repealing an Act entitled "An Act to amend the Act of the Commission of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railways, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, approved March 20, 1909, also repealing an Act entitled "An Act requiring persons, corporations, trustees or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, trustees or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

Also: Senate Bill No. 531—An Act to repeal an Act entitled "An Act to reimburse contracts on behalf of the State in relation to the erection, construction, completion, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an Act entitled "An Act to reimburse contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876," approved March 22, 1909.

Also: Senate Bill No. 695—An Act to amend Section 1784 of the Penal Code of the State of California, relating to moneys received or obtained by the warden of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of iron to be manufactured at the state prison at San Quentin," approved March 9, 1885," approved March 10, 1889, and to provide for the disposition and use of the surplus money received from the sale of iron goods and not needed for the revolving fund provided for in said Act.

Also: Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Also: Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto; making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 333, 531, 695, 696, 697, and 655 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the fixing of vacancies—and report that the same have been correctly enrolled, and presented the same to the Governor on this third day of February, 1911, at four o'clock and fifteen minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution in relation to the rights of suffrage.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 6th day of February, 1911, at ten o'clock A. M.

CASSIDY, Chairman.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in public places, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HURD, Chairman.

Assembly Bill No. 255 ordered on file for second reading.

MOTION.

Senator Hans announced that Assembly Bill No. 255 is identical with Senate Bill No. 225, and moved that Assembly Bill No. 255 and Senate Bill No. 225 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 255 and Senate Bill No. 225 ordered referred to Committee on Engrossment and Enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 871—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read first time, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Campbell, the Secretary was directed to issue a rush order for printing Senate Bill No. 871.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED)

By Senator Stetson: Senate Bill No. 872—An Act to amend section three, and section seven, of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hurd: Senate Bill 873—An Act to amend an Act entitled "An Act to add a new section to the Political Code to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches," approved March 18, 1909.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven and thirteen of said Act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Gates: Senate Bill No. 876—An Act to amend Section 1303 of Code of Civil Procedure, relating to the notice of petition for probate of will.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 879—An Act to add a new section to the Code

of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 880—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure, relating to disposition of life estates or homesteads, or community property, on owner's death in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 883—An Act to amend Sections 1539 and 1540 of the Code of Civil Procedure, relating to hearing petitions for the sale of real property by executors or administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 884—An Act to amend the Code of Civil Procedure by adding thereto a section to be numbered 1840, relating to evidence in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 885—An Act to amend Section 939 of the Code of Civil Procedure, relating to the time of taking appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 886—An Act to amend the Code of Civil Procedure by adding to Part II, Title X, of said code a new chapter, to be numbered Chapter VII, relating to actions concerning orders, determinations, or any acts of the Public Service Commission.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating, or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Bill read first time, and referred to Committee on Corporations.

By Senator Avey: Senate Bill No. 889—An Act to amend the Political Code of the State of California by adding a new section to be numbered three thousand eighty-four, providing for the recording of certificates of death, and making the same prima facie evidence of death.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 890—An Act making an appropriation for the purpose of remodeling and putting into an efficient condition the power plant at the Southern California State Hospital, and for the purchase and installation of the necessary piping and conduits.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Larkins: Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires, and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural, or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 892—An Act ceding to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control, in the interests of commerce and navigation.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Bill read first time, and referred to Committee on County Government.

By Senator Beban: Senate Bill No. 894—An Act to amend Section 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Hewitt: Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

Senate joint resolution ordered referred to Committee on Federal Relations.

Also: Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby", approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 901—An Act to define and prohibit bucketing and bucket shopping and bucket shops: to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Bill read first time, and referred to Committee on Public Morals.

By Senator Bell: Senate Bill No. 902—An Act to add a new section to the Political Code to be known and numbered as section 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 904—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1020, relating to the service of summons in actions for divorce or annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Senate constitutional amendment ordered referred to Committee on Corporations.

By Senator Holohan: Senate Bill No. 905—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 906—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Black: Senate Bill No. 907—An Act to provide for relief of soldiers, sailors, and marines who have served in the late civil war.

and to provide for pensions to such soldiers, sailors, and marines under certain circumstances.

Bill read first time, and referred to Committee on Finance.

By Senator Cassidy: Senate Constitutional Amendment No. 33—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 84 of Article XI, relating to cities, counties, and towns.

Senate constitutional amendment ordered referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 908—An Act to provide for the establishment of a state hospital, and providing for commitment thereto and management thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred and ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of the guardians of insane and other incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285*a*, relating to license of auctioneers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

Bill read first time, and referred to Committee on Judiciary.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Upon my desk this morning, I observed on the outside sheet of a newspaper a picture labeled with my name and described with the following legend: "Senator Stetson, who feels slighted by Assembly's action." The action referred to is the act of the Assembly in passing Assembly Bill No. 463, companion bill to Senate Bill No. 333, in advance of Senate action on the latter. It would be painful to me to think that any of my colleagues believed there were true grounds for the statement in the paper. In these days of an untrammelled press, it is often difficult for a man to be effectively jealous for his reputation for honesty or discretion, but I am concerned that I should be charged with so petty a spirit in relation to a matter so fraught with importance to the people of this State. I take this occasion to say that the question of the passage of the bill is of tremendous importance, as I view it; the question of who gets it passed is of a most trifling importance. I therefore wish to say that the action of Mr. Bohnett in presenting the bill for final passage was upon my suggestion, and with my full understanding and approval, though I can not say it would have been any impropriety on his part, or any occasion for chagrin or annoyance on my own, had the case been otherwise.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Campbell:

Resolved. That the State Printer be and he is hereby directed to print 350 copies of Senate Bill No. 871, in addition to the number required by law.

Resolution read, and referred to Committee on Printing.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 82 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—27.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Shanahan gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 82 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities

having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Senate Bill No. 191 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—[RESUMED].

Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Read third time.

On motion of Senator Burnett, Senate Bill No. 106 was temporarily passed on file, to retain its place.

Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

On motion of Senator Hans, Senate Bill No. 225 was temporarily passed on file, to retain its place.

Senate Bill No. 264—An Act to repeal Section 596a of the Political Code of the State of California, relating to insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutten, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267—An Act to repeal Section 453i of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Read third time.

On motion of Senator Cutten, Senate Bill No. 267 was temporarily passed on file, to retain its place.

SENATOR SANFORD IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Senator Sanford of the Fourth District in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Curtin: Senate Bill No. 914—An Act making an appropriation for compiling, publishing, and distributing the revenue laws of the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hurd: Senate Bill No. 915—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

Bill read first time, and referred to Committee on County Government.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cassidy arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Owing to the fact that I was called to the telephone, and therefore temporarily and unavoidably absent from the Senate Chamber when the vote was taken on Senate Bill No. 159, I was unable to cast my vote in favor of this bill, as I would have done had I been present.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hurd, Lewis, Martinelli, Rush, Sanford, Shanahan, Strobbridge, Tyrrell, and Walker—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGES OF FLOOR OF SENATE EXTENDED

On request of Senator Curtin, the privileges of the floor of the Senate Chamber for this day was unanimously extended to Charles M. Belshaw, of Martinez.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402f, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hurd, Larkins, Lewis, Martinelli, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties, and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents, and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing "An Act entitled 'An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees, and other

persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878"; and also repealing "An Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 19, 1909; and also repealing "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

On motion of Senator Stetson, Senate Bill No. 333 was temporarily passed on file, to retain its place.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Senate Bill No. 406 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

WITHDRAWAL OF BILL.

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 448—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Senate Bill No. 448 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 passed by the following vote:

AYES—Senators Avey, Bell, Birdsell, Boynton, Bryant, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California to be numbered 4225a, 4225b, 4225c,

4225*d*, 4225*e*, 4225*f*, 4225*g*, 4225*h*, 4225*i*, 4225*j*, and 4225*k*, and all relating to county boards of health and sanitary inspectors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burgess, Campbell, Cartwright, Cassidy, Curtin, Estabille, Fann, Gates, Hare, Jordness, Larkins, Lewis, Roseberry, Rush, Sanford, Shattahat, Statson, Thompson, Tyndal, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

On motion of Senator Bills, Senate Bill No. 541 was temporarily passed on file, to retain its place.

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

On motion of Senator Bills, Senate Bill No. 542 was temporarily passed on file, to retain its place.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State, for the purpose of determining whether any horse, mule, or ass is affected with glanders and providing for penalties for violations of this Act.

On motion of Senator Bills, Senate Bill No. 543 was temporarily passed on file, to retain its place.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

On motion of Senator Bills, Senate Bill No. 544 was temporarily passed on file, to retain its place.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

On motion of Senator Bills, Senate Bill No. 545 was temporarily passed on file, to retain its place.

Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purposes of determining if such animals are affected with tuberculosis: providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or

by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act.

On motion of Senator Bills, Senate Bill No. 546 was temporarily passed on file, to retain its place.

Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 143—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An Act appropriating money for the purchase of a stand pipe and water pipes to repipe grounds and buildings of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Juilliard, Larkins, Lewis, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the

action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 478 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Haas, Hoel, Jettard, Lewis, Marshall, Roscherry, Rush, Sanford, Shafter, Thompson, Welch, and Wright—25.

NOES—Senators Bryant, Larkins, Stetson, Strabridge, Tytler, and Walker—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost of expenses thereof upon the property benefited thereby," approved March 21, 1905.

And: Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905, for comparison.

And report that the same have been found to be not identical.

CASSIDY, Chairman

MOTION

Senator Haas moved that Assembly Bill No. 255 be returned to Committee on Municipal Corporations, and Senate Bill No. 225 to third reading file of Senate bills.

Motion carried.

Assembly Bill No. 255 ordered referred to Committee on Municipal Corporations, and Senate Bill No. 225 on file for third reading.

REPORTS OF STANDING COMMITTEE—RESUMED.

The following report of standing committee was received and read.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878; and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Com-

missioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

And: Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act—for comparison.

And report that the same have been found to be identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the standing rules of the Senate, Senate Bill No. 333 and Assembly Bill No. 463 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 333—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers agents and employees and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for ship-

ment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act—was considered withdrawn.

And: Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers, and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners, approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act—ordered on second-reading file of Assembly bills.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 586 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard,

Larkins, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

On motion of Senator Larkins, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 573 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

On motion of Senator Finn, Senate Bill No. 160 was temporarily passed on file, to retain its place.

Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto; making violations of its provisions a misdemeanor; providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 655 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—26.

NOES—Senators Bell, Black, Burnett, Cartwright, Cullen, Estudillo, Hans, Lewis, Shanahan, and Welch—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State

in relation to erections and buildings," approved March 28, 1876," approved March 22, 1909.

On motion of Senator Holohan, Senate Bill No. 531 was temporarily passed on file, to retain its place.

Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 695 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkens, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 696—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund provided for in said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkens, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 697 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkens, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

During the reading of the Senate constitutional amendment the following amendments were submitted by committee:

On page 1, line 9, strike out the words "and in", and insert in lieu thereof the word "but".

Amendment adopted.

Also:

On page 2, line 10, strike out the words "of this state who hereby".

Amendment adopted.

Also:

On page 2, line 12, strike out the words "by petition as in this section provided".

Amendment adopted.

Also:

On page 2, line 13, insert between the words "same" and "independent" the words "at the polls".

Amendment adopted.

Also:

On page 2, line 13, strike out the words "at any election at".

Amendment adopted.

Also:

On page 2 strike out all of lines 14 and 15 except the words "and also", at the end of line 15.

Amendment adopted.

Also:

On page 2, line 30, of the printed bill, insert the word "aforesaid" between the words "presentation" and "of".

Amendment adopted.

Also:

On page 2, line 30, insert a comma between "petition" and "or".

Amendment adopted.

Also:

On page 2, line 33, insert the word "black" between the words "point" and "type".

Amendment adopted.

Also:

On page 3, line 62, insert the word "black" between the words "point" and "type".

Amendment adopted.

Also:

On page 3, line 77, insert the word "separate" between the words "a" and "roll".

Amendment adopted.

Also:

On page 4, line 110, insert between the words "adopted" and "under" the following: "by the people at the polls."

Amendment adopted.

Also:

On page 4, line 120, strike out the words "approved by the electors."

Amendment adopted.

Also:

On page 5, lines 141, 142 and 143 of the proposed bill, strike out the words "a description of the place of his residence as well as his business to be maintained followed by his voting precinct", and insert in their stead the words "the street and number of such exist. His election precinct shall also appear on the paper about his name."

Amendment adopted.

Also:

On page 5, line 149, strike out the word "competent" and insert in lieu thereof the word "qualified"

Amendment adopted.

Also:

On page 5, line 150, strike out the word "qualified", and insert in lieu thereof the word "competent"

Amendment adopted.

Also:

On page 6, line 170, strike out the words "where such office exists"

Amendment adopted.

Also:

On page 7, line 196, strike out the comma after the word "provided"

Amendment adopted.

Also:

On page 7, insert between lines 204 and 205 the following paragraph:

"The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists".

On page 7, line 207, strike out the second "and", in said line, and insert between the words "city" and "of" the words "and town".

Amendment adopted.

Also:

On page 7, line 210, insert a comma after the word "county.". Strike out the word "or", in said line, and insert between the words "city" and "may" the words "or town".

Amendment adopted.

Also:

On page 7, line 212, strike out the second "and", in said line, and insert between the words "cities" and "but" the words "and towns".

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of Cali-

fornia, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the twelfth day of September, 1910.

On motion of Senator Campbell, Senate Concurrent Resolution No. 11 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof to be numbered Section 4½, relating to appeals in criminal cases.

During the reading of Senate constitutional amendment, the following amendment was submitted by committee:

On page 1, Section 4½, line 14, after the word "cause", insert the following: "including the evidence,".

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

RE-REFERENCE OF BILL TO COMMITTEE.

Senator Estudillo moved that Senate Bill No. 614—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof be withdrawn from the file, and be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 614 ordered withdrawn from the file, and re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS.

Senate Bill No. 261—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine, and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a, hereby added thereto.

On motion of Senator Avey, Senate Bill No. 261 was temporarily passed on file, to retain its place.

Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of

taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 21, 1891.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 114—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor, and prescribing the duties of the State Comptroller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 4, line 3, strike out the word "felony", and insert in lieu thereof the following: "misdemeanor".

Amendment adopted.

Also:

On page 2, Section 4, line 4, strike out the words "state prison", and insert in lieu thereof the following: "county jail".

Amendment adopted.

Also:

On page 2, Section 4, line 4, strike out the words "two years" and insert in lieu thereof the following: "six months, or a fine of \$250, or both fine and imprisonment".

Amendment adopted.

Also:

On page 2, Section 3, line 2, add, after the word "any", "cold storage".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March

14. 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Bill read second time, ordered engrossed, and on file for third reading.
Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Bill read second time, ordered engrossed, and on file for third reading.
Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read second time, ordered engrossed, and on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act, relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half relating to the redemption of property sold for taxes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 498—An Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

During second reading of the bill, the following amendments were offered by Senator Wright:

On line 4, Section 1, page 1, of the printed bill, insert after the word "indebtedness" the following: "not barred by the statute of limitations."

Amendment adopted.

Also:

On line 16, Section 1, page 2, of the printed bill, strike out the period after the word "district", and insert in lieu thereof the following: "the value of said lands to be determined by the last assessment roll of said district."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES.

Senator Juilliard moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SECOND READING OF SENATE BILLS.—(RESUMED.)

Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, strike out the words "one barrel to a", and insert in lieu thereof the following: "by the"

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "weights" and insert in lieu thereof the following: "shall weigh".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the figures "3224", and insert in lieu thereof the following: "three thousand two hundred and twenty four".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 316—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the services of summons in civil actions in justices' courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Bill read second time, ordered engrossed, and on file for third reading.

MINORITY REPORT.

During second reading of Senate Bill No. 190, the following minority report was offered by the Committee on Judiciary:

MR. PRESIDENT: We, the undersigned members of the Judiciary Committee, and constituting a minority of said committee, do hereby recommend that Senate Bill No. 190, to repeal an Act of the Legislature of the State of California, entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, do not pass for the following reasons:

First—The avowed purpose of the repeal sought by this Act is to assist the city and county of San Francisco in opening streets through Laurel Hill Cemetery, in that city. It has been shown by statements made before the Judiciary Committee that this cemetery contains the remains of over forty thousand bodies, and that over two millions of dollars has been expended by the owners of burial lots in the erection of monuments and other improvements. The Act sought to be repealed contains a provision that no streets or roads shall be opened through the property of cemeteries incorporated thereunder, except by permission of the trustees or of the Legislature.

The purchasers of these burial lots have relied for more than fifty years upon the guarantees of the law now sought to be repealed. In the judgment of the undersigned members of the committee, cemetery property is entitled to greater protection than other classes of property, by reason of the sacredness of the purpose to which the property is dedicated. We do not believe that any necessity has been shown for destroying the integrity of the cemetery against which this action is directed, by opening streets through the same.

Second—A large number of cemeteries throughout the State are incorporated under the provisions of the Act now sought to be repealed. These corporations hold property of great value under the provisions of this Act. Even if necessity for opening streets through one particular cemetery did exist, it is not fair to all the other cemeteries in the State to thus arbitrarily repeal the law under which they are now conducting their business.

Third—The purchasers of burial lots under the provisions of the Act sought to be repealed have acquired their property under the guarantees of the Act. The repeal of the Act at this time would not, in the judgment of the undersigned, destroy these vested rights. The right of the city of San Francisco to open streets through the cemeteries in that city, as desired, will be neither greater nor less by reason of the repeal of this Act. Such repeal is therefore unnecessary.

CAMINETTI.
STETSON.
MARTINELLI.
LARKINS.

Minority report read, and ordered printed in the Journal.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183*b* and Section 1183*c*, relating to liens of mechanics and others.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255*a*, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons, issued out of a justice's court, outside of the county in which the action is brought.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

SENATOR WRIGHT IN THE CHAIR

At three o'clock and forty-five minutes P. M., Senator Wright of the Fortieth District in the chair.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Senate Bill No. 29 was temporarily passed on file, in the absence of the author, to retain its place.

ASSEMBLY JOINT RESOLUTION NO. 8

WHEREAS, The Government of the United States has in contemplation the execution of a contract with the Truckee General Electric Company, by which it is agreed to allow the said company to construct an artificial outlet to Lake Tahoe by digging a tunnel from the Nevada side of said lake to run the said lake beneath the water level and divert its waters through the State of Nevada; and

WHEREAS, The said lake and the watershed of the same flow most largely to the State of California, and the present natural outlet of said lake is in the State of California, and the Truckee River, through which the overflow and flood waters of said lake flow for a distance of over thirty-five miles through the State of California, is the source of millions of dollars in wealth to this state; and

WHEREAS, The diversion of the waters of said lake from their present course would result in great damage to this State even under the present conditions, and the discouraging prospect of much greater loss in the future by surrendering one of its greatest and most valuable water supplies, which carries with it by far the greatest possibilities and probabilities for beneficial use in domestic irrigation and power purposes in this State; and

WHEREAS, The State of California claims to own the major portion of the waters of said lake and protests against the diversion of said waters, and will resist the diversion contemplated, as an invasion of the rights of the people of this State; therefore, be it

Resolved by the Assembly and Senate, jointly. That his Excellency William H. Taft, president of the United States, be and he is hereby most earnestly and respectfully urged not to enter into the contract heretofore mentioned, nor to permit such a contract to be executed, nor to allow any change to be made in the outlet of said lake that would result in the diversion of the flood or overflow waters of said lake from their present course.

Assembly joint resolution read.

The question being on the adoption of the joint resolution, as amended.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Boynton asked for, and was granted, unanimous consent to be excused from voting on Assembly Joint Resolution No. 8.

Whereupon the acting President announced that Assembly Joint Resolution No. 8 was finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Gates, Hans, Hare, Hewitt, Hurd, Juddard, Larkin, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Assembly Joint Resolution No. 8 ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

During the second reading of the bill, the following amendments were submitted by committee:

In the title of the printed bill, strike out the period immediately following the word "California", in the second line, and add the following: "; and repealing an Act entitled 'An Act to provide county library systems,' approved April 12, 1909, and all Acts and parts of Acts in conflict with this Act.

Amendment adopted.

Also:

On page 9, Section 17, line 2, strike out the word "or", and insert in lieu thereof the following "and".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 5 and 6, strike out the words "to be served within their townships", and insert in lieu thereof the following: "if served within the township where issued".

Amendment adopted.

Also:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

During second reading of the bill, the following amendment was offered by Senator Curtin:

Strike out of Section 5, line 24, of printed bill, the word "as", and insert in lieu thereof the following: "so".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

THIRD READING OF ASSEMBLY BILL 1001 OF 1976

Assembly Bill No. 29. An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 29 finally passed by the following vote:

AYES. Senators Behan, Bell, Bills, Blaisdell, Black, Brewster, Brown, Campbell, Campbell, Cartwright, Cassidy, Curtis, Cullen, Edwards, Ellis, Gould, Hunt, Hunt, Hewitt, Hudd, Judland, Larkins, Lewis, Mason, Rice, Sargent, Stetson, Stetson, Stetson, Thompson, Turrell, Walker, Welch and Webster. 34

None None.

Title read and approved

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE

Senator Cartwright was, on his own motion, granted leave of absence for Tuesday, February 7, 1911.

INTRODUCTION AND FIRST READING OF BILLS, ETC. 107 OF 107 OF ORDER

The following bills, etc., were introduced:

By Senator Stetson:

SENATE JOINT RESOLUTION No. 17

WHEREAS, There is pending before the Senate of the United States a bill for an act providing for the amendment of the Constitution of the United States regarding the popular election of United States Senators; and

WHEREAS, The people of the State of California have already indicated a desire to elect United States Senators directly; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, to wit: That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution, and the Senate of the United States to pass the same: and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit this resolution by telegraph to each of the said United States Senators, and to the President of the United States Senate.

Senate joint resolution read.

SUSPENSION OF RULES.

Senator Stetson moved that the rules be suspended, and that Senate Joint Resolution No. 17 be placed on file without reference to committee.

Motion seconded.

Motion unanimously adopted, and roll call dispensed with.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 17.

Motion carried.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Strobbridge asked for, and was granted, unanimous consent that the Committee on Education be granted the use of the Senate Chamber on Thursday, February 9, 1911, at eight o'clock P. M., for a public hearing on Senate Bills Nos. 411 and 111.

ANNOUNCEMENTS.

The President presented the following communications relative to the accrediting of newspaper correspondents, which were read and ordered printed in the Journal:

CHICAGO, January 21, 1911.

GENTLEMEN: This is to certify that Mr. Edw. Adams Cantrell is representing the Chicago Daily Socialist in the legislative assembly of the State of California. We trust that you will accord to him the courtesies given to all representatives of the press.

Very truly yours,

J. O. BEUESTE, Secretary.

CHICAGO DAILY SOCIALIST.

JANUARY 25, 1911.

WALTER N. PARRISH, *Secretary of Senate, Sacramento, Cal.*

DEAR SIR: This is to show that Friend W. Richardson is the authorized representative of our association before the Legislature. Our association is the State Editorial Association, organized for the purpose of promoting the best interests of the State, and looking out for the interest of publishers of newspapers.

Yours respectfully,

ORAN A. KINGS, Secretary.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Bell, the acting president, declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 7, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—38.

Quorum present.

PRAYER.

Prayer by Rev. Father Clarence Woodman, of San Francisco.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Welch, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 6, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the reconsideration of the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy nine *a* of the Political Code of the State of California, relating to the preservation of the public health—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 188 was passed be postponed, and made a special order for Wednesday, February 8, 1911, immediately after the reading of the Journal.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 6, 1911, passed Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Also: Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 351 and 471 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 6, 1911, passed Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 174 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, 'Shall the Senate concur in the following Assembly amendments to Senate Bill No. 221?'

In Section 1, on line 11, of the engrossed bill, after the word "cars" insert the following: "exclusive of railroad officers' private cars."

Also: In Section 1, on line 13, of the engrossed bill, after the word "one" insert the word "shall".

Also: In Section 2, line 7, of the engrossed bill, after the word "two" insert the word "shall".

Also: In Section 3, of line 8, of the engrossed bill, after the word "apply" insert the following words: "to an engine or engines without cars; nor".

Also: In Section 2, line 6, of the engrossed bill, strike out the words "more than fifty cars", and insert in lieu thereof the words "fifty cars or more".

Also: In Section 5, line 2, of the engrossed bill, insert comma after the word "punished", and a comma after the word "conviction".

Also: In Section 5, line 3, of the engrossed bill, strike out the words "to exceed", and insert in lieu thereof the word "exceeding".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 221 by the following vote:

AYES. Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Sanford, Shanahan, Strobbridge, Tyrrell, Walker, and Wright—28.

NOES. None.

Senate Bill No. 221 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 8 of Article XI of the Constitution, relating to the charters of cities, and amendments thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

ESTUDILLO, Chairman.

Senate Constitutional Amendment No. 20 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

ESTUDILLO, Chairman.

Senate Constitutional Amendment No. 14 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4055½, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 28 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 158—An Act to repeal Section 626g of the Penal Code, relating to the tree squirrel.

Also: Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered seven hundred and nineteen, and relating to leases for hunting privileges.

Also: Senate Bill No. 456—An Act to amend Section 6324 of the Penal Code, relating to steelhead trout.

Also: Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be known as Section 626a, relating to the protection of beaver.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WALKER, Chairman.

Senate Bills Nos. 158, 271, 456, and 740 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Also: Senate Bill No. 742—An Act to regulate the hunting of furbearing and wild game and animals by wholesale fur peddlers, and to provide transportation means for the propagation and restoration of fish and game in the State of California.

Also: Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 631a and 631b, regulating the business of wholesale dealers in fish and in wild game and animals, and providing for a record of transactions therein.

Also: Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation, and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish and by persons who purchase fish so reared.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

WALKER, Chairman.

Senate Bills Nos. 529, 742, 743, and 356 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests to whom was referred Senate Bill No. 621—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in connection thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 621 ordered re-referred to Committee on Finance.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be and he is hereby directed to print 350 copies of Senate Bill No. 871, in addition to the number required by law.

Have had the same under consideration, and respectfully report the same back, and recommend that same be changed to 500 copies, and be adopted.

HANS, Chairman.

Report read and adopted.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

GATES, Chairman.

Senate Bill No. 112 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Cassidy: Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Bill read first time, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 774—An Act providing for the time of payment of wages—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

LARKINS, Chairman.

Senate Bill No. 774 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Boynton: Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of the Levee District Number One of Sutter County," approved March 20, 1874.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them; to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences by said board of inquiry before a strike or lock-out is declared, and providing penalties for the violation of any of the provisions of this Act.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Juilliard: Senate Bill No. 919—An Act making an appropriation for furnishing and equipping a dormitory for the accommodation of female employees at the Sonoma State Home.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 920—An Act making an appropriation for the erection and construction of a dormitory for the accommodation of female employees at the Sonoma State Home.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Gates: Senate Bill No. 921—An Act to establish an institute of technology to be named the California institute of technology, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILL.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7, was temporarily passed on file, to retain its place.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Senate Bill No. 191 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Burnett, Senate Bill No. 106, was temporarily passed on file, to retain its place.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

On motion of Senator Hans, Senate Bill No. 225 was temporarily passed on file, to retain its place.

Senate Bill No. 267—An Act to repeal Section 453 of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Avey, Belan, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cassidy, Curtin, Curren, Gates, Hans, Holahan, Juddard, Lewis, Roseberry, Rush, Sanford, Shanahan, Spotswood, Tyrrell, Welch, and Wright—24.

NOTES—Senators Black, Hurd, Latkins, and Walker—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, or in certain portions of the Monterey Bay, within the county of Santa Cruz.

On motion of Senator Holohan, Senate Bill No. 406 was temporarily passed on file, to retain its place.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Senators Avery, Bohan, D. E. Bills, Briswell, Black, Boynton, Burnett, Campbell, Cassidy, Cutton, Gatten, Hans, Hare, Hootman, Hurd, Juddard, Lewis, Martinelli, Rosberry, Rush, Seandean, Stetson, Turrell, Walker, and Welch—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 473—An Act to repeal Title XV, of Part IV, of Division Third of the Civil Code of the State of California, and to amend Title XV, of Part IV, Division Third of said Code, in those places relating to unlawful demands, and to make the law of force and violence of the State of California conform with the law of other states—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 473 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also: Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

And report the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 163, 301, and 350 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Also: Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 638—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game birds.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 306, 637, and 638 ordered on file for third reading.

Senate Constitutional Amendment No. 6 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—CONT. OF ORDER.

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 484—An Act to amend Section 1818 of the Penal Code of the State of California, relating to county school terms.

Also, Senate Bill No. 486—An Act to amend Section 1840 of the Penal Code of the State of California, relating to district school terms.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Education.

STETSON, Chairman.

Senate Bills Nos. 484 and 486 ordered re-referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 487—An Act to amend Section 3610 of the Penal Code of the State of California, relating to the punishment of insanity—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Revenue and Taxation.

STETSON, Chairman.

Senate Bill No. 487 ordered re-referred to Committee on Revenue and Taxation.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 491—An Act to amend Section 10090 of the Penal Code of the State of California, relating to the malicious process and threats of the board of health officers—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on County Government.

STETSON, Chairman.

Senate Bill No. 491 ordered re-referred to Committee on County Government.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 593—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be verified in actions of an assessor—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Corporations.

STETSON, Chairman.

Senate Bill No. 593 ordered re-referred to Committee on Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 485—An Act to amend section three of an Act entitled "An Act concerning the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

STETSON, Chairman.

Senate Bill No. 485 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 709—An Act to provide for the cancellation of application for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the

United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States land office and given a register and receiver's number, and forwarded to the general land office, at Washington, D. C., and of record therein.

Also: Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for State lands.

Also: Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Also: Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor of a state convention of county auditors.

Also: Assembly Bill No. 102—An Act to amend Section 1724, of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Also: Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Also: Senate Bill No. 741—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Also: Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lien land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 709, 710, 711, 712, 488, 714, 741, and 708 ordered on file for second reading.

Assembly Bill No. 102 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Also: Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Also: Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof, relating to tree squirrels.

Also: Senate Bill No. 713—An Act relating to explosives, and prescribing regulations for the transportation, storage, and selling of explosives, and providing penalties for the violation of this Act.

Also: Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 489, 483, 713, and 732 ordered on file for second reading.

Assembly Bill No. 98 ordered on file for second reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Gates, Hays, Holsinger, Hurd, Judd, Larkins, Lewis, Martinelli, Sanford, Schuchman, Stinson, Strobridge, Tyrrell, Walker, and Welch—28.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estadillo, Gates, Hays, Holsinger, Hurd, Judd, Larkins, Lewis, Martinelli, Rosborough, Sanford, Schuchman, Stinson, Tyrrell, Welch, and Wright—29.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

On motion of Senator Strobridge, Senate Bill No. 350 was temporarily passed on file, to retain its place.

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting, and the conduct of elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estadillo, Gates, Hays, Holsinger, Hurd, Judd, Larkins, Lewis, Martinelli, Rosborough, Sanford, Schuchman, Strobridge, Tyrrell, Walker, Welch, and Wright—34.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State, for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violations of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 543 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Curtin, Estadillo, Gates, Hays, Holsinger, Hurd,

Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 544 passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Har, Holahan, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Strobridge, Walker, Welch, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Cutton, Estudillo, Gates, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin, for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift, or use of such tuberculin shall be made to the State Veterinarian, and providing for penalties for violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES. Senators Avey, Behan, Bell, Bills, Bushall, Byrnes, Bryant, Campbell, Cassidy, Curtin, Cutton, Gates, Holahan, Hurd, Judd, Larkins, Lewis, Martinelli, Rosenthal, Rush, Sanford, Schuchman, Strickland, Walker, Ward, and Wright—27.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

On motion of Senator Larkins, Senate Bill 507 was passed, to be placed at the foot of the file.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

On motion of Senator Finn, Senate Bill No. 160 was passed, to be placed at the foot of the file.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

On motion of Senator Holahan, Senate Bill No. 531 was passed, to be placed at the foot of the file.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 301 passed by the following vote:

AYES. Senators Avey, Behan, Bell, Bills, Bushall, Byrnes, Bryant, Campbell, Cutton, Gates, Haus, Holahan, Hurd, Judd, Larkins, Lewis, Martinelli, Regan, Rosenthal, Rush, Sanford, Strickland, Walker, and Wright—24.

NOES. Senators Cassidy, Finn, Hare, and Schuchman—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 473—An Act to repeal Title XV, of Part IV, of Division Third of the Civil Code of the State of California, and to add a new title XV, of Part IV, Division Third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES.—Senators Avey, Behan, Bell, Bills, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Haus, Hare, Holahan, Hurd, Judd, Larkins, Lewis, Mar-

tinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 637 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Hans, Hare, Holahan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Walker, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bells, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Hans, Hare, Holahan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM, BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 79—An Act to amend Sections 4300a of the Political Code of the State of California, relating to the county clerk's fees.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS.

Senate Bill No. 588—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of

incorporation, and requiring that the signatures of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California, so as to provide for service by publication of a citation requiring the accused to appear in proceedings for the removal or suspension of attorneys and counselors at law.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 644—An Act regarding irrigation, and declaring the same to be a public use.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 98—An Act to amend Section 997 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 202—An Act to amend Sections 4785 and 4786 of the Political Code, relating to tax deeds.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 556—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered eighteen hundred seventy and one half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, lines 3 and 4, strike out the words "and one half", and insert in lieu thereof the following: "a".

Amendment adopted.

Also:

On page 1, Section 1, lines 2 and 3, strike out the words "and one half", and insert in lieu thereof the following: "a".

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the fraction " $\frac{1}{2}$ ", and insert in lieu thereof the following: "a".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, strike out the words "in a daily newspaper in the county for one week".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, strike out the words "for the term of two years".

Amendment adopted.

Also:

On page 2, Section 2, strike out all of Section 2.

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

On pages 1 and 2, Section 1, lines 5, 8, 9, 11, 14, 15, 16, 19, 21, 22, and 26, strike out the words "one", "two", "three", "four", "five", "six", "seven", "eight", "nine", "ten", and "eleven", and insert in lieu thereof the following: "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF SENATE BILLS, ETC. (OUT OF ORDER).

Senator Stetson asked for and was granted unanimous consent to have Senate Joint Resolution No. 17 taken up for consideration out of order.

SENATE JOINT RESOLUTION No. 17.

Relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

WHEREAS, There is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

WHEREAS, The people of the State of California have already indicated a desire to elect United States Senators directly; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

Resolved. That the Secretary of the Senate be and he is hereby directed to transmit this resolution by telegraph to each of the said United States Senators, and to the President of the United States Senate.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 17 adopted by the following vote:

AYES: Senators Ayle, B. E. Ellis, Bledsoe, Bond, Brewster, Brown, Campbell, Cassidy, Cramer, Cation, Fessenden, Galen, Hahn, Hamilton, Mack, McMillan, Parkins, Lewis, Martindale, Regan, Ruchberg, Rush, Seaford, Senter, Seward, Strobridge, Terrill, Walker, Welch, and Wright—32.

NAYES: None.

Senate Joint Resolution No. 17 ordered engrossed, and transmitted to Assembly.

• SECOND READING OF SENATE BILLS—RESUMED.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county, in the State of California.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 3, strike out the word "the", insert the word "hereafter".

Amendment adopted.

Also:

On page 1, Section 1, lines 2, 4, and 5, strike out the following: "to be incorporated under the laws of the State for the protection of birds, fish, and animals".

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "incorporated" insert the following: "to serve".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, lines 1 and 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 261—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted

in the State of California, and providing penalties for a violation of any of the provisions of said Act, or any of the provisions of Section 13a hereby added thereto.

During second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 261.

An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, is hereby amended to read as follows:

Section 6. Three forms of certificate shall be issued by said board under the seal thereof, and signed by the president and the secretary: first, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he force a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected.

Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma mentioned hereinbefore referred to they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring a full attendance, and after 1908 of three years of time, modes each, and including the studies examined upon under this Act. Applicants for a certificate to practice any other system or mode of treatment not in this Act referred to shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, all applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following subjects: anatomy, physiology, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physics, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent and not less than sixty per cent in any one subject; provided, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and two per

cent additional for each subsequent ten cents of such amount. Provided further, that any applicant obtaining a certificate not valid except for three months shall be subsequently reexamined in those subjects in which he failed, and without additional fee.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated as number only, and the name attached to the number shall be most secret until after the board has finally voted upon the application. The secretary of the board shall deliver to the applicant his certificate as an exemption in any examination held by the board.

Sec. 2. A new section to the existing Section 14000 is hereby added to that section Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems of healing in this State," approved by the Senate of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1909, as amended by Assembly Act approved March 19, 1909, which section shall read as follows: Sec. 14011.

Section 14011. Any person, company, or association, with or without a license, denotation, and upon conviction thereof shall be guilty of a misdemeanor in the county and not less than ten (\$10) nor more than one hundred (\$100) dollars, or not less than one hundred (\$100) dollars nor more than one thousand (\$1000) dollars, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any medicine or preparation of medicine, or any other system of medicine, or purporting to be made, prepared, or compounded by the person and registration of physicians, osteopaths, or any other system of medicine, or purporting to practice any other system, or mode of treating the sick or afflicted, or (2) shall purchase or procure by barter, any such medicine, preparation, or preparation with intent that the same shall be used as a basis of the doctor's qualification to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, or in front of the public, or in the presence of the public, or (3) shall with fraudulent intent alter in a material regard to such medicine, preparation, or preparation, or (4) shall use or attempt to use any such medicine, preparation, or preparation which has been purchased, fraudulently secured, counterfeited or otherwise altered, or used as a certificate, or color of certificate, to give to any person, or (5) shall use, or give, or use any other system or mode of treating the sick or afflicted; or (6) shall practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted under a false or assumed name, or under any name that has been issued by the Board of Medical Examiners of the State of California, or any certificate issued to such person entitling, or which is claimed to entitle, such person to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, or (7) shall assume the degree of doctor of medicine, or shall assume the letters "M. D." to his or her name, not having duly conferred same, and or not by diploma from a recognized medical college, or shall assume to be a doctor of the same, the right to assume said title; or shall assume to be a doctor of medicine, or letters to his or her name, with the intent to represent falsely that he or she has received a degree, or a certificate to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or (8) shall, in any advertisement, or on an application for examination, license, or registration under this Act, willfully make a false statement in a material regard; or (9) shall engage in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted without causing to be displayed in a conspicuous place in a conspicuous place in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted therein; or (10) shall with intent to defraud, or by the secretary of the board fail to furnish to said board the name and address of all persons practicing or assisting in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in the State of said person, company, or association, at any time within sixty (60) days after receipt of notice, together with a sworn statement showing under and by what license or authority said person or persons, or said company, or said association, or persons or persons have been practicing medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, but such affidavit shall not be used as evidence against such person or company in any proceeding under this section; or (11) is practicing medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted in this State, without a certificate from the Board of Medical Examiners of the State of California, or whose certificate has been suspended or suspended by said board; or (12) shall in any sign displayed by him or her, or in any advertisement published in any newspaper by him or her, use the word "doctor" either before or after his or her name, or shall assume the letters "M. D." to his or her name in any such sign, or any such advertisement, without having at the time of so doing a valid, unrevoked certificate as provided in this Act.

Sec. 3. This Act shall take effect and be in force from and after July 1, 1911.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

THIRD READING OF SENATE BILL.— (OUT OF ORDER).

SENATE CONCURRENT RESOLUTION No. 11.

Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was adopted and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

WHEREAS the city of San Luis Obispo, in the county of San Luis Obispo, State of California is now and at all the times herein referred to was a city containing a population of more than 3,500 and less than 10,000 inhabitants; and

WHEREAS at an election held in said city on the 11th day of April, 1910, in accordance with law and the provisions of Section 8 of Article 11 of the Constitution of the State of California, a board of fifteen (15) freeholders, duly qualified was duly elected in and by said city and by the qualified electors thereof to prepare and propose a charter for said city, which said board of fifteen (15) freeholders did, within ninety (90) days next after such election, prepare and propose a charter for said city, which said charter was on the 8th day of July, 1910, signed in duplicate by a majority of the members of said board of fifteen (15) freeholders and was on the 9th day of July, 1910 returned, one (1) copy thereof to the president of the board of trustees of said city (he being the chief executive officer of said city) and the other copy thereof to the county recorder of the county of San Luis Obispo (within which said city is situated) and filed the same with said county recorder, and

WHEREAS such proposed charter was thereafter published in the "Morning Tribune," a daily newspaper printed and published, and of general circulation, in said city of San Luis Obispo and the said charter was published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said proposed charter, and

WHEREAS said charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of San Luis Obispo to the qualified electors of said city at a special election previously, duly, and regularly called and thereafter held in said city on the 12th day of September, 1910, and

WHEREAS at said last mentioned special election a majority of said qualified electors of the city of San Luis Obispo, voting at said special election voted in favor of the ratification of said charter as proposed as a whole and voted to reject the alternative proposition submitted at said election, which alternative proposition was not chosen by the majority of the qualified electors voting at said election, and

WHEREAS the board of trustees after canvassing said returns of said special election duly found, determined, and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as a whole as above specified, and

WHEREAS the same is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, and

WHEREAS said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF SAN LUIS OBISPO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED APRIL 11, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

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|---------|-------|---|
| Article | I. | Name and rights of the city. |
| Article | II. | Boundaries. |
| Article | III. | Elective officers. |
| Article | IV. | The mayor. |
| Article | V. | Executive and administrative departments. |
| Article | VI. | The council. |
| Article | VII. | Powers of the city and of the council. |
| Article | VIII. | City clerk. |
| Article | IX. | Finance and taxation. |
| Article | X. | Public works and supplies. |
| Article | XI. | Elections. |
| Article | XII. | Recall of elective officers. |
| Article | XIII. | The initiative. |
| Article | XIV. | The referendum. |
| Article | XV. | The public schools. |
| Article | XVI. | Franchises. |
| Article | XVII. | Miscellaneous. |

NAMES AND TO TOPICS OF RESEARCH INTERESTS

Sec. 2. *Revised and Translated.* The City of San Jose, Oregon, does hereby vest with and confer to have, hold and enjoy all companies, rights or property and rights of nature of every nature and distribution and persons in this municipality, and is hereby dedicated to be the maintenance of all laws. It hereby subject to all the liabilities, but not to the maintenance of all laws.

1100 400 100 50

20° south; at 12° 45' S. M. D. M. 10°
 the southern corner of the city; at 12° 45' S. 1° 00' E. 100
 at 9.15 chains cross a fence; thence south, at 10.00 chains a
 chains a stone 3" x 14" x 7"
 links wide runs south 20° 45' west, at 10.00
 at 24.50 chains cross a fence; thence south, at 27
 links wide runs south 20° 45' west, to a stone 3" x 14" x 7"
 east and west, at farther chains. At 11.00 chains a
 rock runs south, at 11.50 chains
 addition at a post in fence; thence south, at 12.00
 laurel tree 30" in diameter, the southeast corner of said
 deg. 26° east 5.32 chains distant, at 64.10 chains a
 stone 2 1/2" x 12" x 9"
 chains cross a fence; thence south, at 80.00 chains
 spur, at 97.10 chains top of stone 3" x 14" x 7"
 at 121.00 chains top of stone, at 128.00 chains top of high
 128.00 chains top of high stone, at 128.00 chains top of
 at 110.00 chains to post in fence; thence south, at 110.00
 on a true line along the north boundary, at 110.00 chains
 at foot of stone, at a stone 3" x 14" x 7"
 11.00 chains enter willows along San Felipe; at 12.00 chains
 links wide runs south 80 deg. west, at 14.00 chains
 chains north, at 23.00 chains cross a gulch runs south, at
 4" x 14" x 10" in line of fence; thence south, at 23.00
 road on continuation of Monterey street, at 24.02 chains a
 and southwest, leave road, at 26.55 chains a fence
 of fence is 186 links south, at 35.13 chains cross a fence
 at 39.00 chains a gulch runs south, at 43.80 chains a fence
 enter Grand avenue, at 45.30 chains a fence bears north
 avenue, at 47.75 chains a gulch runs southeast, at 54.90 chains a post
 (bears north and south), the corner of a fence bearing east and west is 420 links
 south, at 56.70 chains top of knoll, at 61.29 chains M. A. E. Harford's land
 is 7 chains south, at 65.50 chains a 26 1/2" runs southwest, at 80.70 chains a 24 1/2"
 runs south 20 deg. west, at 100.00 chains a gulch runs south, at 104.50 chains
 to old Garden creek 80 links wide runs south, at 106.15 chains a fence
 of road bearing north and south in line of fence a post,—the fence bearing east
 and west is 5.00 chains south, at 127.00 chains cross Stenner creek 20 links wide
 runs south 20 deg. east, at 130.50 chains cross a gulch runs north, at 140.00 chains
 to stone 3" x 14" x 7" northwest corner of the city; thence south on a true line, at
 520 chains cross a fence bears east and west. Enter Stenner's field, at 26.50
 chains cross a ravine runs east, ascend, at 44.75 chains intersect the line between
 Stenner and Peliz a post, at 47.20 chains top of spur of Corno O. San, at 52.00
 chains descend at 64.91 chains intersect the line between J. Y. Peliz and Ventura
 Fernandez at post in fence (bears east and west) at 89.00 chains cross a fence runs
 southeast, at 104.95 chains cross a fence east and west, enter Harford's addition,
 at 129.30 chains to intersection with line of Laguna Rancho and stone 3" x 14" x 8"
 corner to city; thence along Laguna line south 43 deg. 29' east 1680 chains to
 intersection with south boundary of township 30' south, range 12 E., M. D. M. 10°
 3" x 12" x 9", the southwest corner of the city; thence along the south boundary
 of the city north 89 deg. 25' east on a true line, at 23.28 chains a post in a fence
 (bears north and south) on the east line of Harford's addition 350 links north of
 south line of said addition; at 62.90 chains a post in fence (bears north and
 south) on the easterly line of W. L. Beebe's land. The south line of Beebe
 and Phillip's addition is 388 links south, at 83.85 chains a post in a fence (bears

northwest and southeast on westerly line of road on the continuation of Broad street. The southeast corner of C. H. Phillip's land bears southeast 444 links distant, at 103.24 chains a post in a fence clearing north and south on the east line of H. S. Rembaugh's land 347 links north of south line of said lands, at 128.00 chains to the southeast corner of the city, the point of beginning. All the posts above mentioned are of redwood 4" x 4" x 4 feet in height, marked "S. L. O. City Limit."

ARTICLE III.

ELECTIVE OFFICERS.

SEC. 4. *The Elective Officers.* The elective officers of the city shall be a mayor, a city clerk, four councilmen and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

SEC. 5. *How Elected.* The mayor, city clerk, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

SEC. 6. *Eligibility of Mayor, Clerk and Councilmen.* To be eligible for the office of mayor, city clerk or councilmen, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of San Luis Obispo.

SEC. 7. *Eligibility of School Directors.* To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the city of San Luis Obispo.

SEC. 8. *Vacancies in Office of Mayor, Clerk or Councilman.* If a vacancy shall occur in the office of mayor, city clerk, or councilman, the council shall appoint a person to fill such vacancy.

SEC. 9. *Vacancy in Office of School Director.* If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy.

SEC. 10. *Term of Office of Mayor and Clerk.* The mayor and city clerk shall each hold office for a term of two years from and after the 15th day of May after his election, and until his successor is elected and qualified.

SEC. 11. *Term of Office of Councilmen.* The councilmen shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified. *Provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected two councilmen.

SEC. 12. *Term of Office of School Directors.* The school directors shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified. *Provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors.

SEC. 13. *Bonds.* The mayor, city clerk and each councilman shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor in the penal sum of five thousand dollars, the city clerk in the penal sum of seven thousand five hundred dollars, and each councilman in the penal sum of five thousand dollars. The city council may require an additional bond of any of the above officers if deemed necessary.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the city clerk and the several councilmen must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

SEC. 14. *Oath of Office.* Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state and shall file the same with the city clerk.

SEC. 15. *Salaries.* The mayor shall receive an annual salary of six hundred dollars, payable in equal monthly installments.

The city clerk shall receive an annual salary of one thousand five hundred dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of five hundred dollars, payable in equal monthly installments.

Each school director shall receive two and one-half dollars for each meeting of the board of education which he shall attend, provided that he shall not receive more than ten dollars in any one month.

SEC. 16. *Admission of Books, Documents, Papers, and Other Things.* The council shall have the power to administer oaths and examinations, and to cause any person, board or commission or shall have the power to cause any person to produce the production of books, papers and documents, and to take and hear testimony concerning any matter or thing, and to cause any person to produce any book, paper or document as required by such subpoena or shall refuse to testify before any such officer, board or commission or to answer the questions asked any witness, or a majority of such board or commission, shall be deemed to be in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer or of any member of any board or commission, detail a police officer or police officers to serve such process.

ARTICLE IV.

THE MAYOR.

SEC. 17. *General Duties.* The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are fully enforced. He shall be charged with the general oversight of the various departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

SEC. 18. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the council may fill the vacancy until such vacancy in the office of the mayor shall be filled as provided in this charter.

SEC. 19. *Reports.* The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

SEC. 20. *Examination of Books.* The mayor shall employ, for a reasonable compensation, at the beginning of each fiscal year, a competent accountant who shall examine the books, records and reports of the city clerk and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make duplicate reports thereof, and present one to the mayor and file one with the city clerk. Such accountant shall have unlimited power of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all proper assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 21. *Supervision of Public Utility Companies.* The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel and annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 22. *Other Duties.* The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 23. *Municipal Departments.* The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:—

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

SEC. 24. *Commissioners.* The council at its first regular meeting after the election of its members shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance or by resolution published for five days, whenever it determines that the public service will be benefited thereby. Each commissioner shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

SEC. 25. *Powers and Duties.* The council shall determine and assign the duties of the several departments subject to the provisions of section twenty-three. Each department shall be entitled to such salaried employees as may be authorized by the council. The head of each department shall nominate all such employees therein but their appointments shall be made by the council. Each commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the commissioner at the head of that department at any time except as otherwise provided by this charter. The city council shall determine the number of such employees in any department and shall also have like power of discharging them or any of them, or may require any employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment.

SEC. 26. *Chief Officials.* The chief officials of the city shall be city treasurer, attorney, collector, engineer, chief of police, street superintendent, five library trustees and fire chief. They shall be appointed and may be removed by a majority of the council, *provided, however,* that the chief of police and the fire chief shall be nominated by the commissioner of public health and safety, and the street superintendent by the commissioner of public works. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

SEC. 27. *Subordinate Officers and Employees.* The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

SEC. 28. *Compensation of Officers and Employees.* The compensation of all city officers provided for by section twenty-six of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer, official or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

SEC. 29. *Department Reports.* Each department and commission shall annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

SEC. 30. *Publication of Reports.* The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

SEC. 31. *Councilmen to Hold no Other Office.* No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 32. *Not to be Interested in Contracts or Franchises.* No officer, official or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer, official or employee shall be interested in, or in the employ of any public service corporation in the city or of any person, firm or corporation having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor.

The council shall estimate the expenditures of this section by appropriate legislation.

SEC. 33. *Political and Religious Tests.* No nomination to public office by the city government shall be made or be withheld for cause or any reason or alleged opinions or affiliations or political opinions, and no appointment or reappointment, removal from any office or employment, and no franchise, promotion, demotion, election or punishment shall be in any manner affected by such reasons, affiliations or services.

ARTICLE VI.

THE COUNCIL.

SEC. 34. *General Powers.* The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and subject to the express limitations of this chapter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of self-government consistent with the constitution of the state.

SEC. 35. *Presiding Officers.* The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

SEC. 36. *Meetings.* The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SEC. 37. *Meetings to be Public.* All legislative sessions of the council, whether regular or special, shall be open to the public.

SEC. 38. *Quorum.* A majority of the members of the council shall constitute a quorum for the transaction of business.

SEC. 39. *Rules of Procedure.* The council shall establish rules for its proceedings.

SEC. 40. *Ordinances and Resolutions.* (1) The council shall not only by ordinance or resolution.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

(3) No ordinance or resolution shall be passed or become effective without securing the affirmative votes of at least three members of the council.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in its title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance when such subject is expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of San Luis Obispo as follows:"

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and (1) in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

(7) No action providing for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed

in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

SEC. 41. *Absent Commissioner.* No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

SEC. 42. *Publication of Charter and Ordinances.* The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the State as the council may deem expedient, to be published in book form.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 43. *General Powers of City.* Without denial or disparagement of other powers held under the constitution and laws of the state, the city of San Luis Obispo, shall have the right and power:

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, hospitals, charitable institutions, jails, houses of correction and reformatory schools, workhouses, detention homes, morgues, crematoriums, garbage collection and garbage disposal and reduction works, street cleaning, street paving and sprinkling plants, quarries and all other public buildings, places, works and institutions.

(2) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways and transportation service of any kind within or without the city.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and elaborate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

(6) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations; with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

(7) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

(8) To raise money by a special tax, in addition to the annual tax levy provided by section fifty-four of this charter. The levy of such tax must be approved by at least two-thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

(9) To sue and defend in all courts and places and in all matters and proceedings.

SEC. 44. *Direct Legislation.* The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 45. *Powers of Council.* As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

(3) To provide for the summary abatement of any nuisance by the removal of the person or persons creating, causing, maintaining, or contributing to the nuisance.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(5) To establish and maintain a fire alarm and police telephone or signaling system, and manage and control the same.

(6) To regulate or prohibit the carrying, firing, keeping, storing, and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, and other combustible or explosive substances.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

(8) To regulate the use of steam engines, gas engines, steam hoists and power-motors, and to prohibit their use in such locations as to the enjoyment of the public would endanger public safety.

(9) To prescribe fire limits and determine the character and height of structures that may be erected thereon and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

(10) To regulate the construction of and the materials used in chimneys, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the construction and in and the method of construction of foundations and foundations, the height of construction and location of drains and sewers, the materials used in their construction, and other structures for the use of water for fire fighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the nature of the piping or conductors; the construction of buildings and structures which are in such locations as to endanger the public.

(11) To require the owners and lessees of buildings or other structures to keep upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

(12) To prevent the construction and to cause the removal of hearths, stoves, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufacturing work so as to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places; and to make provisions to guard against fires.

(13) To regulate the size and construction of the entrance to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind, and to prevent the placing of seats, chairs, benches or other constructions in the hallways, aisles or open places therein.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, men, boys or the like at all such street crossings as the board may deem proper; to require street cars and local trains to be provided with bells or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed of any vehicle which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

(15) To regulate or prohibit the exhibition or carrying of lanterns, fireworks or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prevent the flying of banners, flags, or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

(16) To compel the owner or occupant of buildings or grounds to remove and, rubbish and weeds therefrom and from the sidewalk and gutters adjacent thereto, and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

(18) To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

(19) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

(20) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city;

to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises and odors.

(23) To provide for and regulate the inspection of all dairies and slaughterhouses that offer for sale or sell any of their products in the city.

(24) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

(25) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

(26) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

(27) To license for purposes of regulation or revenue, or regulation and revenue, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

(28) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

(29) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

(30) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

(31) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

(32) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

(33) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

(34) To fix the fees and charges for all official services not otherwise provided for in this charter.

(35) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

(36) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

(37) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

(38) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

(39) To provide for the execution of all trusts confided to the city.

(40) To establish or change the grade of any street or public place.

(41) To grade or regrade to the official grade, plank or replank, pave or repave, macadamize or remacadamize, gravel or regravell, pile or repile, cap or recap, sewer or resewer, surface or resurface the whole or any part of any street, avenue, lane, alley, court or place within the city, and to lay and construct sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks, breakwaters, levees, or walls of rock or other material to protect the same and also any other work or improvement within the city; and to order any of the above work to be done in accordance with the general laws of the State of California. Also to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein. Also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private

(54) To provide that copies of all maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work done by the city engineer or other officer of the city shall be filed with the city clerk.

(55) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

(56) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE VIII.

CITY CLERK.

SEC. 46. *General Duties.* The city clerk shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers, or otherwise by special provisions committed to their custody. He shall be clerk of the council and shall keep a complete record of all its proceedings. He shall also perform the duties of assessor. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinance.

ARTICLE IX.

FINANCE AND TAXATION.

SEC. 47. *Fiscal Year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 48. *Tax System.* The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of San Luis Obispo is situated and taxes collected by the tax collector of said county for and on behalf of the city of San Luis Obispo. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 49. *Department Estimates.* On or before the second Monday in May in each year or on such date in each year as shall be fixed by the council, the heads of departments, officers, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

SEC. 50. *Estimate of Commissioner of Finance and Revenue.* On or before the second Monday in June, in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 51. *Annual Budget.* The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expense of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

SEC. 52. *Board of Equalization.* The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization and shall continue in session from day to day until the second Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

SEC. 53. *Annual Tax Levy.* The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated

to be required in the annual budget, but the same may be required to be provided from fines, licenses and other sources of revenue. Taxes shall be levied upon the property poll to the city clerk, who shall compile and publish the list of taxes to be levied upon each parcel of property contained in any assessment roll. The corrected list for each tax shall be the assessment roll of each tax for each year, and it shall be certified by the city clerk as being the assessment roll of each tax.

SEC. 54. *Levy of Tax Levy.* The city clerk shall levy taxes for each year for one year for all municipal purposes, other than for the interest on a loan, at the rate of interest on any bonds of the city, and for other purposes, shall not exceed higher five cents on each one hundred dollars worth of taxable property, and shall not exceed as herein provided.

SEC. 55. *Tax Lien.* All taxes assessed, whether levied by any assessment board for delinquency and the cost of collection, shall constitute a lien on the property assessed, every tax upon personal property, and every tax upon real property, of the owner thereof. The liens provided for in this section shall attach upon the first Monday in March in each year, and may be enforced by action in the court of competent jurisdiction to foreclose such liens, or by a writ of execution, and the execution and delivery of all necessary orders and writs, and the execution of such regulations as may be prescribed by ordinance, providing that when such lien is offered for sale for city taxes due thereon, the same shall be sold to the highest bidder, and the proceeds of such sale shall be paid to the city, in like case and in like manner and with the same conditions and terms of redemption, as it may be made and used in the same when offered for sale for state and county taxes, and the same shall have priority of payment for the procedure to be followed in such sales to the city and county.

SEC. 56. *Claims Against City.* All claims against the city shall be drawn from the treasury only upon warrants as hereinafter provided. Every claim against the city from whatever source, including the claim of any officer or employee of the public library when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant shall be issued and signed the same as the demand issued and signed by the city clerk, and the same shall be paid, when it can be paid, be presented to the city clerk, who shall certify himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed," and the date of payment, and sign his name thereto. No demand shall be approved unless it specifies each special item, and the date thereof. It shall be the duty of the city clerk to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, having a claim entered into the city treasury or desiring to pay money thereon, certify to the treasurer the amount thereof, to what fund applicable, and be sworn to be paid. He shall certify the treasurer with the amount received. It shall be his duty to ascertain whether the several funds all public money at any time in the city treasury, and he shall or ordinance specifically apportioned and appropriated, and forthwith certify the treasurer of such apportionment or appropriation. He shall receive all money and deliver to the proper officers, all licenses and other receipts charging them thereon, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

SEC. 57. *Disposition of Money Collected.* Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the city clerk on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the city clerk, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

SEC. 58. *Uniform Accounts.* The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

SEC. 59. *Income From Public Utilities.* All income derived from the operation and management of any public utility by the city shall be devoted exclusively to the payment of the expense of operating, maintaining, improving, or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

SEC. 60. *Form of Contracts.* All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name

of the city of San Luis Obispo by an officer or officers authorized to sign the same, and must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

SEC. 61. *Public Work to be Done by Contract.* In the erection, improvement and repair of all public buildings and public works, in all street and sewer work, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and re-advertise for bids, or may require the commissioner of public works to submit a detailed estimate of what the work may be done for by the department of public works, and if such estimate is lower than the lowest bid, the council may order the work to be done by the department of public works, but the department of public works must not be allowed a larger sum to complete such work than called for by the aforesaid estimate. In case no bid is received, the council may provide for the work to be done by the department of public works.

SEC. 62. *Contracts for Advertising.* The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

SEC. 63. *Contracts for Light and Heat.* No contracts for lighting streets, public buildings, places or others shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

SEC. 64. *Collusion With Bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to character of the material or supplies called for, or who shall knowingly accept material or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

SEC. 65. *Collusion by Bidder.* If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works, as herein provided.

SEC. 66. *Certain Acts Forbidden.* Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public service corporation, person having or contemplating any contract with the city or grantee of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee, any commodity or service furnished by such public service corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

ARTICLE XI.

ELECTIONS

SEC. 67. *General and Special Municipal Elections.* A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April, 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

SEC. 68. *Nominations and Election of City Officers.* (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

(2) The nature of a conflict does not itself make the conflict open to a process of negotiation, which has been found to be essential to the dominant and hence best under the conditions here under study.

(14) The pattern of coordination will consist of one type that involves the same two or three individual conditions, and will yield management of them.

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$ 2. $\frac{1}{2} \times \frac{1}{3} = \frac{1}{6}$ 3. $\frac{1}{2} \times \frac{1}{4} = \frac{1}{8}$ 4. $\frac{1}{2} \times \frac{1}{5} = \frac{1}{10}$

F. L. A. V. E. C. A. L. L. E. G. N. I. A.

CONSIDERATION OF THE PROBLEM OF THE

CITY OF SAN FRANCISCO

[illegible]

Accepted for publication 15 October 2004

Volume 10, Number 1, January 1988

The petition of remission of these late arrears, being a poor result of an insufficiently reformed system, at New York, June 1, 1866, San Francisco, Cal., 1866.

(D) It shall be the duty of the city clerk to furnish upon request a list of the names of members of individual organizations of the city.

(5) Each certificate must be a single leaf of paper, A or F, with a maximum size of 10 inches by 16 inches, and a minimum size as determined by the city clerk. Each certificate must contain the name of the signer thereto and no more. Each certificate shall contain the name of the office to be filled and no more. Each signer must be a qualified voter, resident of the city, and signing a certificate have his name signed to any other certificate for any office candidate for the same office, nor, in case there are several offices to be filled by the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must affix his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be referred in case petition is found insufficient.

(16) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application by petition signed by not less than five qualified electors of the city. The application shall set forth that the signers thereof desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therefor specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be sworn in and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section shall have been filed by the city clerk.

(7) A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall drop and there is or shall designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as heretofore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same ten days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of San Luis Obispo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of San Luis Obispo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective officers, as published in the proclamation and shall be in substantially the following form:

GENERAL OR SPECIAL MUNICIPAL ELECTION CITY OF SAN LUIS OBISPO

(Inserting date thereof)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make a ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(16) The name of no candidate, who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For city clerk (if any) vote for one."

"For councilman (if any) vote for (giving number)."

"For school directors (if any) vote for (giving number)."

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

(21) The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

(22) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

(23) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

SEC. 69. *General Election Legislation.* (1) The provisions of this section shall relating to the qualifications of persons for service of voting, the election of municipal officers, the canvassing of returns and all other matters in relation to the manner and conduct of elections, so far as they may be applicable shall govern all municipal elections, provided that the council shall have or cause to be passed an ordinance which shall embrace the election returns which have been filed and pending returns.

(2) In case voting machines are provided at municipal elections, the council shall have power by ordinance to modify the provisions of sections thirty-eight to (4) as may be necessary to adapt them to the use of voting machines.

ARTICLE XII

PROCEEDING ON RECALL PETITIONS.

SEC. 70. *Procedure Relating Thereto.* (1) Every member of an elective office, whether elected by popular vote or appointed to fill a vacancy in office, is subject to recall by the voters of the city. The procedure in such recall petition shall be as follows:

(2) A petition signed by registered electors equal in number to twenty-five per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, shall be filed in the office of the clerk of the office sought to be removed, said petition to be received by the clerk and accepted by the city clerk. The petition and supporting papers shall be held in a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

(3) The provisions of sections thirty-eight governing the form and conditions of the petition and the mode of verification and certification and shall be substantially followed, with such modifications as the nature of the case requires.

(4) If the officer sought to be removed shall not resign within ten days after the petition is filed by the city clerk, and if the petition demands a special election, the council shall cause a special election to be held within forty-five days to determine whether the petition will recall said officer or if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

(5) In the published copy of the petition there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer or, in the fourth in the recall petition, and in no more than two hundred words the officer may justify his course in office.

(6) The officer sought to be removed shall be deemed a candidate, and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of sections thirty-eight.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fails or declines, he shall be deemed removed from office.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight thereto.

ARTICLE XIII.

THE INITIATIVE.

SEC. 71. *Procedure Relating Thereto.* (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

(2) The provisions of section sixty-eight of Article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of Article XIV of this charter); or.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty-five, per centum of the entire vote cast for all candidates for

mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that each publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XIV.

THE REFERENDUM.

SEC. 72. *Mode of Protesting Against Ordinances.* No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter respecting street improvements and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of section sixty-eight of Article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

SEC. 73. *Reference of Measures to Popular Vote.* Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 74. *Further Regulations.* The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

SEC. 75. *School Department.* The school department of the city of San Luis Obispo shall comprise all the schools within the city of San Luis Obispo, the Mission school district, and all territory that is now or may hereafter be included for school purposes; and shall be known as the San Luis Obispo School District, which shall succeed to all the obligations, property, rights and privileges of the Mission school district, and the San Luis Obispo board of education.

SEC. 76. *Elections.* All territory included within the limits of the San Luis Obispo school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding municipal elections, and shall constitute one or more separate precincts, and the qualified electors thereof shall vote only for the school directors and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all purposes connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 77. *The Board of Education.* The board of education shall have control, control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

SEC. 78. *President of Board.* The board of education shall annually elect one of its own members to be president of the board. He may be reelected to the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

SEC. 79. *Meetings.* The board of education shall meet at such times as may be designated by resolution of said board and in the place provided chapter in the council. The board shall provide the manner in which special meetings shall be called.

SEC. 80. *Quorum.* Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and regulate the attendance of absent members in such manner as the board may prescribe.

SEC. 81. *Rules.* The board of education may determine the rules of its proceedings.

SEC. 82. *Meetings to Be Public.* All meetings of the board of education shall be public.

SEC. 83. *Superintendent of Schools.* The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 84. *Powers and Duties of Superintendent.* The superintendent of schools shall be the executive officer of the board of education, and he shall give his full time to the duties of his office. He shall be subject only to the board of education, and all orders of the board relating to the direction of the principals, teachers, and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

SEC. 85. *Teachers, How Nominated.* The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 86. *Election of Teachers.* The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 87. *School Warrants.* Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the city clerk as provided in section six.

SEC. 88. *Annual Estimates of Expenses.* The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the State and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

FRANCHISES.

SEC. 89. *Property Rights Inalienable.* The right of the city in and to its streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

SEC. 90. *Franchise Required.* No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution and laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

SEC. 91. *Franchises, How Granted.* Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

SEC. 92. *Manner of Granting Franchises.* The provisions of the state law relating to the application for, conditions of, and method and manner of granting franchises, in so far as they do not conflict with the provisions of this charter and so far as they may be applicable, shall apply to the granting of all franchises by the city.

SEC. 93. *Life of Franchise.* The maximum length of time for which a franchise or privilege to use the streets, highways or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

SEC. 94. *Service and Accommodation.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 95. *Rates and Charges.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchises, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city for such franchise and of any tax or annual charge) be considered or taken into account in prescribing and regulating such rates, fares, rentals or charges. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

SEC. 96. *Right of City to Assume Ownership.* Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city therefor) be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 97. *No Conveyance Necessary.* Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

SEC. 98. *Lease or Assignment of Franchises.* Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee

shall be deemed to operate as such constraint, provided that nothing herein shall be construed to prevent the granting of such franchises from becoming an indispensable prerequisite to the execution of the purpose of obtaining same for the reasons herein stated.

SEC. 99. *Street Sprinkling, Closures, and Pavement.* Every grant of street franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the condition that the grantee, firm or corporation, exercising or enjoying the same shall maintain, repair, keep in repair, and pave, and repay so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of such railway track, and between the lines of double track, and for a space of ten feet adjacent to said track.

SEC. 100. *Examination of Books.* The city of San Luis Obispo, or its duly elected officers or accountants authorized by the city clerk, or by the council, shall have the right at all reasonable times to examine all books, vouchers and receipts of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of securing one of the statements or other matters provided for, and for any other purpose whatsoever connected with the fulfilment of any of the city or of such person, firm or corporation arising from this ordinance, and the ordinance granting the franchise, and may audit the same at the end of each year.

SEC. 101. *Annual Reports.* Every person, firm or corporation exercising or enjoying any business under a franchise granted under this ordinance, after being notified from the granting thereof, shall file annually with the city clerk on each June 1st a report as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person, firm or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by and upon the premises of the corporation within the city of San Luis Obispo for the year terminated by the filing of such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

SEC. 102. *Payment of Gross Receipts.* The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or occupying the works constructed under such franchise.

SEC. 103. *Forfeiture.* Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

SEC. 104. *Franchises Not in Use Forfeited.* All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE XVII.

MISCELLANEOUS.

SEC. 105. *When This Charter Takes Effect.* For the purpose of nominating candidates and electing mayor, city clerk, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 15th day of May, 1911.

SEC. 106. *First Election.* The board of trustees of the city of San Luis Obispo in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

SEC. 107. *Terms of Incumbents in Office.* The members of the board of trustees, the city clerk and the members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, city clerk, councilmen and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 108. *Existing Ordinances Continued in Force.* All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 109. *Conduct of Legal Proceedings.* The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of

this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested: *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

SEC. 110. *Violation of Charter and Ordinances.* The violation of any of the provisions of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of San Luis Obispo is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of San Luis Obispo.

CERTIFICATE.

WHEREAS, The city of San Luis Obispo, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the eleventh day of April, nineteen hundred and ten, at a general election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect Geo. H. Andrews, S. D. Patton, James Blackburn, Forrest E. Brown, A. L. Dutton, J. F. Hayes, Warren M. John, W. A. Kesler, W. H. Metz, A. McAlister, Howard M. Payne, L. F. Sinsheimer, F. L. Smith, R. M. Smith and W. M. Stover a board of fifteen freeholders to prepare and propose a charter for said city:

BE IT KNOWN, That in pursuance of said provisions of the constitution and within a period of ninety days, after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of San Luis Obispo, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall, if approved by the voters, take the place of Section 67 of Article XI of the proposed charter, which reads as follows: "A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections"; and also of Subdivision 21 of Section 68 of Article XI of the proposed charter, which reads as follows: "The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition, providing for second elections, take the place of Section 67 of Article XI and Subdivision 21 of Section 68 of Article XI."

Said alternative proposition is as follows:

SEC. 67. A municipal election shall be held in the city on the second Monday in April in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivisions 21 of Section 68, on the third Monday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

SEC. 68. (21) In case there is but one person to be elected to any office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman, or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half of the number of ballots cast at such election. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor,

then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office. The said second election, if necessary to be held, shall be held three weeks after the first election. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and provided also that the same promoters and polling places shall, if possible, be used.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 8th day of July, one thousand nine hundred and ten.

WARREN M. JOHN, President.
HOWARD M. PAYNE, Secretary.
A. McALISTER.
F. L. SMITH.
J. F. HAYES.
W. A. KESLER.
JAMES BLACKBURN.
GEO. H. ANDREWS.
A. L. DUTTON.
FORREST E. BROWN.
W. M. STOVER.
R. M. SMITH.
S. D. BALLOU.

Endorsed. Received this 9th day of July, 1910.

E. W. CLARK,
President of the Board of Trustees of the
City of San Luis Obispo, California.

Filed July 11, 1910.

W. J. MILES, City Clerk.

STATE OF CALIFORNIA,
COUNTY OF SAN LUIS OBISPO,) ss
CITY OF SAN LUIS OBISPO)

I, E. W. CLARK, president of the board of trustees of the city of San Luis Obispo, State of California, do hereby certify that I now am and at all the times herein mentioned was the duly elected, qualified and acting president of said board of trustees of the city of San Luis Obispo:

That Warren M. John, Howard M. Payne, A. McAlister, F. L. Smith, J. F. Hayes, W. A. Kesler, James Blackburn, Geo. H. Andrews, A. L. Dutton, Forrest E. Brown, W. M. Stover, R. M. Smith, S. D. Ballou, L. F. Sinsheimer and W. H. Metz, a majority of whose names appear signed to the foregoing proposed charter and the alternative proposition were and each of them was on the 11th day of April, 1910, duly elected by the qualified voters of said city as a board of freeholders to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five (5) years immediately prior thereto a qualified elector of said city of San Luis Obispo; that said board of freeholders in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said city of San Luis Obispo in duplicate; that the foregoing is a full, true and correct copy of said proposed charter for said city of San Luis Obispo, including the said alternative proposition, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me, as president of the said board of trustees of the city of San Luis Obispo and the other copy thereof was duly returned to and filed with the recorder of the county of San Luis Obispo, all within ninety (90) days after said election, as required by Section 8 of Article 11 of the Constitution of this State; that such proposed charter and the said alternative proposition were then published in the "Morning Tribune" (the same being a daily newspaper of general circulation in said city) for more than twenty (20) days and the first publication thereof was made within twenty days after completion of said proposed charter and said alternative proposition; that within thirty (30) days after the publication of said proposed charter and the said alternative proposition as aforesaid and as required by said Section 8 of Article 11 of said Constitution, to wit: On the 12th day of September, 1910, said proposed charter and said alternative proposition were submitted at a special election duly held and called therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole and said alternative proposition therein contained being voted upon separately was rejected by a majority of such votes; that the returns of said election were duly canvassed by the board of trustees of said city of San Luis Obispo, on the 19th day of September, 1910, and the result thereof declared as

above set forth; that in all matters and things pertaining to said proposed charter and the said alternative proposition the provisions of Section 8 of Article 11 of the constitution and the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have in every particular been fully complied with.

IN WITNESS WHEREOF, I hereunto set my hand and cause the corporate seal of said city of San Luis Obispo to be affixed, this 22nd day of December, 1910.

E. W. CLARK,

President of the Board of Trustees of the
City of San Luis Obispo.

[SEAL]

Attest: W. J. MILES,

City Clerk and ex officio Clerk of the Board of Trustees of the
City of San Luis Obispo.

AND WHEREAS, said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article 11 of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of San Luis Obispo as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby, approved as a whole as and for the charter of the said city of San Luis Obispo.

Senate concurrent resolution read.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Catten, Estudillo, Finn, Gates, Hans, Holoban, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Welch—29.

NOES—None.

Senate Concurrent Resolution No. 11 ordered engrossed, and transmitted to the Assembly.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 429—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 4, 5, 6, and 7, strike out all of lines 4, 5, 6, and 7, beginning with the word "whenever" and ending with the word "or", and insert in lieu thereof the following: "Whenever a deed, deed of trust, mortgage, or chattel mortgage has been filed for record with the county recorder of any county in the State of California and".

Amendment adopted.

Also:

On page 2, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, before the word "judgment" insert the word "final".

Amendment adopted.

Also:

On page 1, Section 1, line 7, insert a comma after the word "rendered".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES.

Senator Strobbridge moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Tyrrell, and Walker—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR ROSEBERRY IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Roseberry, of the Thirty-third District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, and Welch—30.

NOES—None.

AMENDMENT TO TITLE.

The following amendment to the title of Senate Bill No. 578 was offered by Senator Rush:

Amend title by inserting after the word "weir", the words "for the catching of fish".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties, and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents, and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

Bill read second time, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER

By Senator Birdsall: Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels, or canals into other states for use therein.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Welch: Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

Senate joint resolution ordered referred to Committee on Federal Relations.

MOTION.

Senator Welch moved that Senate Joint Resolution No. 18 be printed in the Journal.

Motion carried.

SENATE JOINT RESOLUTION NO. 18.

Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

WHEREAS, The cities surrounding and adjacent to the bay of San Francisco began as early as the year 1871 to plan for and seek out an adequate and permanent source of supply of pure mountain water for their municipal and domestic needs; and

WHEREAS, After careful investigation and as a result of almost continuous effort from the year 1871 until the present time, these municipalities, by their own action and by that of the city of San Francisco as representative of all, have selected and secured the Hetch Hetchy and Lake Eleanor reservoir sites as the most adequate and feasible sources of supply; and

WHEREAS, These reservoirs are capable of storing pure mountain water, from the uninhabited and barren granite water sheds of the high Sierras, in quantities sufficient for the present and future needs of these large and rapidly growing cities; and

WHEREAS, The Honorable Secretary of the Interior, being by the Honorable Attorney General of the United States first regularly advised that such action on the part would be legal and valid, granted to the city of San Francisco for itself and as representative of said municipalities full reservoir rights at Hetch Hetchy and at Lake Eleanor, and by reason of and based upon this grant San Francisco has purchased at a cost of over \$565,000 all private lands and water rights in these reservoirs, and owns under patent more than one half the area of each reservoir, and is about completing incidental purchases of additional privately held rights and lands for \$636,000; and

WHEREAS, The Hetch Hetchy and Lake Eleanor sources of supply were approved and a bond issue of \$45,000,000.00 for their development authorized by the city of San Francisco by a vote of more than twenty to one; and

WHEREAS, Certain well meaning people, misled by great private interests which would be adversely affected by municipal ownership of such water sources, have actively attacked the grant of the Hetch Hetchy reservoir site; and

WHEREAS, The present Secretary of the Interior, under pressure of these persons, has threatened to attempt to revoke the grant of the Hetch Hetchy site; and

WHEREAS, Such official action is tending to encourage and embolden more strongly the forces of private and corporate greed in their opposition to the development by the municipalities of this necessity of municipal existence, and will, if adopted, increase the burden of taxation which must fall upon the citizens of these municipalities by the enforced purchase of rights to water supplies already granted to these private corporations; and

WHEREAS, This action seriously impairs the market value of the said municipal bonds and discourages the purchase thereof, thereby impairing the credit and standing of said municipality; now, therefore, be it

Resolved by the Senate and the Assembly, jointly. That it is the sense of the Legislature of this State that the rights of the said city and county of San Francisco and the incidental rights of neighboring cities in and to the use of said waters and reservoir sites should be protected and confirmed, and that the said city and county should be permitted to develop its proposed water supply with the cooperation and support of the Federal authorities; and be it further

Resolved, That the President of the United States is hereby petitioned to withdraw all opposition by the executive departments to the full enjoyment of such rights, and to permit the development of said water supply under the terms of the grant of the Secretary of the Interior dated May 11, 1908; and be it further

Resolved, That the Secretary of the Senate be, and he hereby is, instructed to forward a copy of this resolution to the President of the United States.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Senator Walker: Senate Bill No. 923—An Act to appropriate money to erect, construct, and equip a training school at the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Stetson: Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 926—An Act to amend Section 3786 of the Political Code of the State of California, relating to tax deeds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 928—An Act to add a new section to the Code of Civil Procedure of California to be known as section one thousand eight hundred and seventy-one, relating to rules at law and equity.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutten: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 930—An Act to amend Section 2141 of the Political Code, relating to the general powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane, and to the care and custody, apprehension, and commitment of insane persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 931—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrrell, by request: Senate Bill No. 932—An Act to amend Section 1247 of the Penal Code of California, relating to the statement of grounds of appeal and transcription of notes by reporters.

Bill read first time, and referred to Committee on Judiciary.

TIME FOR RECESS EXTENDED

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended five minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE

SENATE CHAMBER, SACRAMENTO, FEBRUARY 6, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one thousand and ten of the Political Code of the State of California, relating to police committees, rules of house-keeping same in order, and jurisdiction over the same," have had the same under consideration, and respectfully report the same back and recommend same to be re-referred to the Committee on Judiciary.

REGAN, Chairman.

Assembly Bill No. 7 ordered re-referred to Committee on Judiciary.

ON FINANCE

SENATE CHAMBER, SACRAMENTO, FEBRUARY 7, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Also: Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Chapter 214, Stats. 1905).

Also: Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Also: Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property, by the city of Sacramento, for street work (Chapter 579, Statutes 1909).

Also: Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Band (Chapter 210, Statutes 1907).

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 329, 333, 334, 337, and 338 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER)

By Senator Caminetti: Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

QUESTIONS OF PERSONAL PRIVILEGE.

Senator Thompson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber on committee work during the consideration, on this day, of Senate Bill No. 306 and Senate Joint Resolution No. 17. Had I been present when those measures were acted upon, I should have supported and voted for each of them.

Also:

Senator Hewitt arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber on committee work during the consideration, on this day, of Senate Bill No. 3065 and Senate Joint Resolution No. 17. Had I been present when those measures were acted upon, I should have supported and voted for each of them.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Birdsall, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 8, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—38.

Quorum present.

PRAYER.

Prayer by Rev. Father Clarence Woodman, of San Francisco.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 7, 1911, the further reading was dispensed with, on motion of Senator Rush.

APPROVAL OF THE JOURNALS.

The Journals of Monday, January 23, Tuesday, January 24, Wednesday, January 25, Thursday, January 26, Friday, January 27, 1911, having been corrected, were read and approved.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the reconsideration of the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 188 was passed be postponed, and made a special order for Thursday, February 9, 1911, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1256a, relating to the abandonment of the condemnation proceedings, and providing for costs upon such abandonment.

Also, Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summonses issued out of a justice's court, outside of the county in which the action is brought.

Also: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants, making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

Also: Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Also: Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Also: Senate Bill No. 316—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the services of summons in civil actions in justices' courts.

Also: Senate Bill No. 472—An Act to regulate the occupation of barbering; to create a board of examiners for the licensing of persons to carry on such practice; to insure the better education of such practitioners; to provide rules regulating the proper sanitation of barber shops, barber schools and colleges; preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Also: Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Also: Senate Bill No. 497—An Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Also: Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Also: Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also: Senate Bill No. 622—An Act to recognize, and declare valid all proceedings in South San Joaquin Irrigation District.

Also Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure, to be numbered and designated as Section 1134b and Section 1134c, existing to being set at naught, and others.

Also Senate Bill No. 647—An Act to amend section one hundred and sixty of the Civil Code, relating to fiduciary.

Also Committee Substitutes for Senate Bill No. 296—An Act to protect the owners of bathhouses, saunas, saunas, saunas, and bath used in the sale of soda water, mineral or aerated waters, pasteurized, carbonated, milk cream, small beer, beer, lager beer, stout, wine, or other beverages, approved March 31, 1904, when reported. An Act to amend an Act entitled an Act to protect the owners of bathhouses, saunas, saunas, saunas, and bath used in the sale of soda water, mineral or aerated waters, pasteurized, carbonated, milk cream, small beer, beer, lager beer, stout, wine, or other beverages, approved March 31, 1904, by adding thereto a new section after Section 4 thereof, relating to deposits to be numbered as Section 5 of said Act, and by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to amendments, and by renumbering Section 6 of said Act as Section 7 thereof, approved March 5, 1903.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 57, 97, 113, 190, 262, 316, 472, 492, 497, 540, 600, 601, 602, 622, 646, 647, and Committee Substitute for Senate Bill No. 296 ordered on file for third reading.

Also

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 471—An Act to amend Section 1 of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Fremont State School of Industry, and the removal of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for such children, providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such officers, and repealing inconsistent Acts, approved March 8, 1909," defining the words "dependent child."

Also Senate Bill No. 476—An Act to provide for the purchase and installation of two steam boilers for the Sapa State Hospital, and to make appropriation for the same.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 6th day of February, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 2671c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle when the same collides with a person or a vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Also Senate Bill No. 20—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March, 1883, as amended by an Act which became a law under constitutional provision, without Governor's approval, March 5, 1901.

Also Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Also Senate Bill No. 134—An Act to amend Section 1205 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to home-stands and exemptions.

Also Senate Bill No. 244—An Act to amend section four hundred and ninety-

line of the Civil Code of the State of California, relating to the use of railroad street or tracks by two lines of street railway.

And report that the same have been correctly engrossed, and presented the same to the Governor on the 7th day of February, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrolling have examined the following Senate bills.

Senate Bill No. 98—An Act to amend Section 907 of the Penal Code of the State of California, relating to the time within which the writ of habeas corpus shall be granted.

Also: Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

Also: Senate Bill No. 202—An Act to amend Sections 2785 and 2786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 588—An Act to add a new section to the Civil Code of the State of California to be numbered 292, relating to affidavits of non-payment, and requiring that the signatures of such person therein named as debtors shall be affixed to said articles of incorporation and acknowledged.

Also: Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal of corporations of attorneys and counselors at law.

Also: Senate Bill No. 643—An Act regarding irrigation, and declaring the same to be a public use.

Also: Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Senate Joint Resolution No. 17—Relative to requesting our Senators in Congress to favor a joint resolution for the amendment to the Constitution.

Also: Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and distribution of taxes therein; the issuance and disposal of the bonds thereof; and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 98, 119, 202, 588, 589, 643, 664, and 454 ordered on file for third reading.

Senate Joint Resolution No. 17 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Also: Concurred in Senate amendments to Assembly Joint Resolution No. 8—Relative to diverting the waters of the Truckee River from their natural course.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Also: Assembly Bill No. 741—An Act establishing, and fixing, and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Also: Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

Also: Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Also: Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase may be made and filed.

Also: Assembly Bill No. 618—An Act to create a reclamation district to be called Reclamation District Number 830, and providing for the control and management thereof.

Also: Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653c, relating to black-listing.

Also: Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 202, 741, 758, 746, 786, 618, 799, 800, 604, and 408 read first time.

Assembly Bill No. 202 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 741 and 618 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 758 ordered referred to Committee on Roads and Highways.

Assembly Bills Nos. 800, 604, 408, 746, 786, and 799 ordered referred to Committee on Judiciary.

MOTION.

Senator Estudillo announced that Assembly Bill No. 799 is identical with Senate Bill No. 664, and moved that Assembly Bill No. 799 and Senate Bill No. 664 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 799 and Senate Bill No. 664 ordered referred to Committee on Engrossment and Enrollment.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. T. U'Ren, of San Francisco.

On request of Senator Walker, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. O. Hayes, of San Jose.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand jurors.

Also Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered 1057, relating to institution by complaint, suit, on bonds or undertakings.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 477 and 788 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 534—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Also Senate Bill No. 535—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass and be referred to the Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 534 and 535 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Also: Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Also: Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Also: Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 438, 785, 775, 557, and 437 ordered on file for second reading.

Assembly Bill No. 171 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Also: Senate Bill No. 716—An Act governing and regulating plumbing: providing a state plumbing board, local boards of examiners, and defining their duties, fixing

their compensation, and providing a special fund, and providing for the licensing of plumbers.

Also: Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REGAN, Chairman.

Senate Bills Nos. 773, 716, and 665 ordered on file for second reading.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control; subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control; subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control; subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Senate Bills Nos. 687, 777, and 776 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 596—An Act to require corporations and their officers to permit the Attorney General or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporations; to take copies of same in certain cases; making failure to comply with this Act a misdemeanor, and prescribing punishment therefor; and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith and fixing venue—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

ROSEBERRY, Chairman.

Senate Bill No. 596 ordered re-referred to Committee on Judiciary.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitues to a state hospital for the insane—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 721 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farms of the Stockton State Hospital, including outside fire hydrants, connections, hose trucks, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Also: Senate Bill No. 515—An Act to provide for the erection of a female convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Also: Senate Bill No. 517—An Act to provide for the furnishing of a female convalescent cottage at the Stockton State Hospital farm, and making an appropriation therefor.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing room and dormitory over the dining room of the female department of the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit wells, and necessary piping to connect wells with building and to conduct water about the grounds, and to make appropriation for the same.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 74—An Act to provide for the redecking of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 513, 514, 515, 516, 517, 518, 520, 73, and 74 ordered re-referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Also: Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Also: Senate Joint Resolution No. 13—Relative to aid from the Government of the United States for industrial education, and the inauguration and establishment of a national university and department of education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

STROBRIDGE, Chairman.

Senate Bills Nos. 505 and 688 ordered on file for second reading.

Senate Joint Resolution No. 13 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 300—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code.

Also: Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

Senate Bills Nos. 298, 299, 300, and 422 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Boynton: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court; also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters, and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors within or contiguous to certain state buildings and grounds.

Bill read first time, and referred to Committee on Public Morals.

By Senator Strobbridge: Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section seventeen of article five of the Constitution of the State, relating to the election and salary of a Superintendent of Public Instruction, and also by repealing section ten or article twenty-two of said also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Thompson: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

Senate constitutional amendment referred to Committee on Education.

Also: Senate Bill No. 936—An Act to amend Sections 3607, 3608,

3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753 and 3764 of the Political Code, to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769*a* of the Political Code, and to add a new section to the Political Code to be numbered 3714*a*, relating to revenue and taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hewitt: Senate Bill No. 937—An Act to amend sections four thousand five *c*, four thousand six, four thousand one hundred forty-nine *d*, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five *a*, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, and four thousand two hundred ninety of the Political Code, and to add a new section to said Code to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists, and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists, and employees, and to repeal

section four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty-one *a*, of said Political Code.

Bill read first time, and referred to Committee on County Government.

RUSH ORDER TO PRINTER.

On motion of Senator Hewitt, the Secretary was directed to issue a rush order for printing Senate Bill No. 937.

INTRODUCTION AND FIRST READING OF BILLS, ETC.--(RESUMED).

By Senator Tyrrell: Senate Bill No. 938—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure to be known as and numbered Section 337*a*, both relating to the time of the commencement of actions other than for the recovery of real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 68 thereof, and by adding a new section to be numbered Section 68½.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, and 124 thereof, and by adding new Sections 12*a*, 52, 53, and 84 thereto.

Bill read first time, and referred to Committee on Banking.

By Senator Hans: Senate Joint Resolution No. 19—Relative to the United States Life Saving Service.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Martinelli: Senate Bill No. 941—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class.

Bill read first time, and referred to Committee on County Government.

By Senator Lewis: Senate Bill No. 942—An Act to amend the Political Code of the State of California by amending Section 2154, relating to officers and employees of state hospitals.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Birdsall: Senate Bill No. 943—An Act to establish the legality of certain school districts, and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cassidy: Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp, and crabs within the sloughs, rivers, streams, and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Larkins: Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued, by or on behalf of any school district, high school district, union high school district, or joint union high school, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 947—An Act to amend Section 384 of the Penal Code, relating to fires, and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural, or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 948—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Caminetti: Senate Bill No. 949—An Act to amend Section 870 of the Civil Code, relating to sales, conveyances, and mortgages of real estate by trustees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 950—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bills: Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to article thirteen thereof, and to be known as section twelve and one half (12½), relating to the exemption from taxation of timber-producing trees planted by man.

Senate constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Welch: Senate Bill No. 951—An Act to regulate the practice of stationary and steam engineering; the construction and operation of steam boilers; providing for the registration and licensing of persons to carry on such practice; the appointment of a state boiler inspector, and state board of examining engineers and boiler inspection.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bryant: Senate Bill No. 952—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Stetson: Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto to be numbered 270*d*, 270*e*, and 273*h*, relating to the abandonment and neglect of children, and the nonsupport of wife, and the evidence required to prove, and the punishment of such offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read first time, and referred to Committee on Education.

By Senator Walker: Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers," approved April 28, 1909.

Bill read first time, and referred to Committee on County Government.

By Senator Thompson: Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states, or foreign countries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Senate Bill No. 191 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Burnett, Senate Bill No. 106 was temporarily passed on file, to retain its place.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

On motion of Senator Hans, Senate Bill No. 225 was temporarily passed on file, to retain its place.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

On motion of Senator Holohan, Senate Bill No. 406 was temporarily passed on file, to retain its place.

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

On motion of Senator Strobbridge, Senate Bill No. 350 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes, and amendments to the Constitution, and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Senate constitutional amendment read.

SPECIAL ORDER SET.

Senator Gates moved that the further consideration of Senate Constitutional Amendment No. 22 be made a special order for Thursday, February 9, 1911, at eleven o'clock A. M.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an act entitled an act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white

beer, or other beverages (approved March 31, 1891) by adding thereto a new section after section 4 thereof relating to deposits, to be numbered as section 5 of said act, by renumbering section 5 of said act as section 6 thereof, and amending the same relating to assignments, and by renumbering section 6 of said act as section 7 thereof," approved March 5, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and committee substitute for Senate Bill No. 296 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 17—Relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 17 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendment to title of Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

SENATOR STETSON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

And: Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds, authorized by such school districts—for comparison.

And report that the same have been found to be not identical.

CASSIDY, Chairman.

MOTION.

Senator Estudillo moved that Senate Bill No. 664 be returned to third reading file of Senate bills, and Assembly Bill No. 799 referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 664 ordered on file for third reading

Assembly Bill No. 799 ordered referred to Committee on Judiciary.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes p. m., on motion of Senator Birdsall, the hour of recess was extended five minutes.

SUSPENSION OF RULES.

Senator Martinelli moved that No. 63 of the standing rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof to be numbered Section 4½, relating to appeals in criminal cases.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 26 adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassady, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holden, Hurd, Jentliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Steason, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—34.

NOES—None.

Senate Constitutional Amendment No. 26 ordered engrossed, and transmitted to the Assembly.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty-five minutes p. m., on motion of Senator Hurd, the hour of recess was extended five minutes.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Senator Tyrrell: Senate Bill No. 958—An Act to amend Section 1151 of the Civil Code as to proof and acknowledgment of instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hurd: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Bill read first time, and referred to Committee on Hospitals and Asylums.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

Mr. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 673—An Act to regulate bakeries or bakershops; prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to Committee on Public Health and Quarantine.

LARKINS, Chairman.

Senate Bill No. 673 ordered re-referred to Committee on Public Health and Quarantine.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Black: Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the building and loan commissioner; prescribing his duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing

for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to building and loan commissioners and the publication thereof, also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers, and compensation, providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses, providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the state building and loan commissioners.

Bill read first time, and referred to Committee on Banking.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 722—An Act to establish an industrial reformatory for

women, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that same do pass and be re-referred to Committee on Finance.

FINN, Chairman.

Senate Bill No. 722 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 723—An Act amending section one hundred seventy-one of the Penal Code of California—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

FINN, Chairman.

Senate Bill No. 723 ordered on file for second reading.

MOTION.

Senator Burnett announced that Assembly Bill No. 62 is identical with Senate Bill No. 106, and moved that Assembly Bill No. 62 be withdrawn from Committee on Judiciary, and Assembly Bill No. 62 and Senate Bill No. 106 referred to the Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 62 and Senate Bill No. 106 ordered referred to Committee on Engrossment and Enrollment.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Hurd, the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

On motion of Senator Campbell, Assembly Bill No. 369 was temporarily passed on file, to retain its place.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts; providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds; and providing that such bonds may be deposited as security; and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller.

MOTION.

Senator Tyrrell asked for and was granted unanimous consent that Assembly Bill No. 781—An Act relating to the bonds of irrigation districts; providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust

companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the state controller—be re-referred to the Committee on Banking, and retain its place on the file.

Assembly Bill No. 781 ordered re-referred to Committee on Banking.

THIRD READING OF ASSEMBLY BILL—(RESUMED.)

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Read third time.

On motion of Senator Campbell, Assembly Bill No. 68 was temporarily passed on file, to retain its place.

MOTION.

Senator Boynton moved that the Sergeant-at-Arms be instructed to immediately bring the Senate files up to date by pasting on the original bills all amendments adopted, and that the Secretary of the Senate be instructed to have the Sergeant-at-Arms keep the bill files at work to-night until this work be completed.

Motion carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED.)

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 217 was temporarily passed on file, to retain its place.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 255 finally passed by the following vote:

AYES—Senators Avey, Belan, Bell, Birdsall, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estradillo, Finn, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Stanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other

persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 463 finally passed by the following vote:

AYES. Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright--33.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 106--An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

And: Assembly Bill No. 62--An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain--for comparison.

And report that the same have been found to be identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the standing rules of the Senate, Senate Bill No. 106 and Assembly Bill No. 62, having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill

No. 106—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain—was considered withdrawn.

And: Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain—ordered on second reading file of Assembly bills.

QUESTION OF PERSONAL PRIVILEGE

Senator Hurd arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber on committee work during the consideration, on this day, of Assembly Bill No. 464. Had I been present when this measure was acted upon, I should have supported and voted for the measure.

Also:

Senator Hewitt arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber on committee work during the consideration, on this day, of Assembly Bill No. 463. Had I been present when this measure was acted upon, I should have supported and voted for the measure.

Also:

Senator Walker arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber with a delegation from Santa Clara County, on a visit to the Governor, during the time Assembly Bill No. 463 was up for final passage. Had I been present I would have voted for this measure.

Also:

Senator Black arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber on committee work during the consideration, on this day, of Assembly Bill No. 463—An Act providing for the organization of the Railroad Commission. Had I been present when this measure was acted upon, I would have voted for it.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof, relating to tree squirrels.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the word "and", and insert in lieu thereof the following: "any".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Ch. 214, Stats. 1905).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Ch. 579, Stats. 1909).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third reading of Senate bills was taken up, out of order.

Senate Bill No. 464—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Arey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Escudé, Finn, Gates, Hans, Hare, Holahan, Hurd, Juddard, Jarkins, Lewis, Martinehl, Rush, Sanford, Shanchan, Strobbridge, Thompson, and Tyrrell—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472—An Act to regulate the occupation of barbering; to create a board of examiners for the licensing of persons to carry on such practice; to insure the better education of such practitioners; to provide rules regulating the proper sanitation of barber shops, barber schools and colleges; preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Juilliard moved a call of the Senate.

Motion carried.

Time, two o'clock and fifty-five minutes P. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names.

Senators Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Heohlan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and five minutes P. M., Senators Black and Walker were brought to the bar of the Senate, and, on motion of Senator Hurd, they were excused for absence from the Senate Chamber.

At three o'clock and six minutes P. M., Senator Avey was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At three o'clock and seven minutes P. M., Senators Burnett, Hewitt, and Roseberry were brought to the bar of the Senate, and, on motion of Senator Estudillo, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called, and Senate Bill No. 472 passed by the following vote:

AYES—Senators Avey, Beban, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Hans, Hare, Hewitt, Heohlan, Juilliard, Larkins, Lewis, Regan, Sanford, Shanahan, Tyrrell, Walker, and Welch—23.

NOES—Senators Bell, Bills, Birdsall, Boynton, Estudillo, Gates, Hurd, Martinelli, Roseberry, Rush, Stetson, Strobridge, Thompson, and Wright—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

On motion of Senator Bills, Senate Bill No. 113 was temporarily passed on file, to retain its place.

Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 601 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holo-

han, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Curtin, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Stetson, Thompson, Tyrrell, Walker, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Read third time.

On motion of Senate Wright, Senate Bill No. 497 was temporarily passed on file, to retain its place.

Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Curtin, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 316—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the services of summons in civil actions in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 refused passage by the following vote:

AYES—Senator Larkins—1.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Curtin, Gates, Hans, Hewitt, Hurd, Lewis, Martinelli, Regan, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, and Welch—23.

Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102*a*, and 102*b*, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Wright as a special committee of one, to amend as follows:

By striking out of Section 6, lines 13 and 14, the comma and the words "except the marriage ceremony", and inserting in lieu thereof a period after the word "act," in line 13.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 540, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

On motion of Senator Cassidy, Senate Bill No. 190 was temporarily passed on file, to retain its place.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 191 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183*b* and Section 1183*c*, relating to liens of mechanics and others.

Senate Bill No. 646 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Senate Bill No. 647 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shanahan moved to refer to Senator Campbell as a special committee of one, to amend as follows:

By striking out of Section 4, line 17, the period after the word "actions," and inserting in lieu thereof the following: "a summons and adding thereto the following: *provided, that said costs and disbursements shall not include expenses incurred in preparing for trial where the said action is dismissed forty days prior to the time set for the trial of the said action.*"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 52, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued out of a justice's court, outside of the county in which the action is brought.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 97 passed by the following vote:

AYES—Senators Avey, Reban, Bilis, Birdsall, Black, Boynton, Bryant, Cangelosi, Campbell, Cassidy, Curtin, Gates, Hans, Hane, Hewitt, Holohan, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

During reading of Senate constitutional amendment, Senator Campbell offered the following amendment:

On page 2, line 19, after the period after the word "thereof", insert the following: "In the formation of such districts no county, or city and county shall be divided, unless it contains within its boundaries sufficient population to form more than one district: *provided, that the portion of any county or city and county included by the excess population remaining after the formation of compact districts, of the requisite population within county lines, may be combined with a contiguous county or a part thereof to form a district.*"

Amendment adopted.

Senate constitutional amendment ordered to print, and on file.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Thompson, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered seven hundred and nineteen, and relating to leases for hunting privileges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 740—An Act to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 626*p*, relating to the protection of beaver.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out lines 1, 2, 3, and 4, and insert in lieu thereof the following: "Section 1. It shall be lawful for any person, during the open season, to fish in the streams of this State that are stocked or supplied in whole or in part with fish by the state and counties, and for that purpose to enter and go upon the lands of another, bordering such streams, provided, however".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit, and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 2, line 4, strike out the word "or" after the word "sell", and insert in lieu thereof the following: "and".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR WALKER IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Walker of the Twenty-seventh District in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California to be numbered Sections 630, 630*a*, and 630*b*, regulating the business of wholesale dealers in fish and in wild game and animals, and providing for a record of transactions therein.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5 strike out the word "or" after the word "selling", and insert in lieu thereof the following "and".

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation, and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

During second reading of the bill, the following amendment was submitted by committee:

Strike out Sections 1, 2, 3, 4, 5, 6, and 7, and insert in lieu thereof the following:

SECTION 1. Any citizen of the State of California who owns or leases (and hold in private ownership may establish and maintain therein ponds for the culture and propagation of trout or other fish subject to all of the provisions contained in this Act.

SEC. 2. Every person desiring to establish and maintain a pond or ponds for the culture of domesticated trout or other fish shall first make written application to the State Board of Fish and Game Commissioners, setting forth his name, residence, place of business, the exact description of the land upon which he desires to establish such pond or ponds, the nature of his title thereto, whether owned by him or held under lease, and the term for which such lease is desired, and the kind and as near as may be the number of fish desired to be kept therein; such application shall be accompanied by a fee of five (5) dollars, which if such application is granted shall be paid into the state treasury by the State Board of Fish and Game Commissioners to the credit of the Fish and Game Preservation Fund.

SEC. 3. Such ponds shall be entirely within the exterior boundaries of the land owned or leased by the applicant, and described in such application, and there shall be no natural inlet or outlet for the waters contained in such pond. Any artificial inlet or outlet for the waters of such pond shall be screened to the satisfaction of the Board of Fish and Game Commissioners, to prevent the ingress of fish to such pond from any natural body of water.

SEC. 4. If upon examination by the State Board of Fish and Game Commissioners it shall appear that the application is made in good faith and in other respects proper and reasonable, the said State Board of Fish and Game Commissioners shall grant to such applicant a license therefor. The decision of said board shall not be final, but shall be subject to review by a court of competent jurisdiction.

SEC. 5. Such license shall be substantially in the following form:

STATE OF CALIFORNIA.

BOARD OF FISH AND GAME COMMISSIONERS.

LICENSED POND FOR CULTURE OF DOMESTICATED TROUT OR OTHER FISH.

No. _____ Date _____, 191__

This certifies that _____ proprietor of a private pond or ponds called _____ and situate in the county of _____ State of California, upon the real property described as follows: _____

is hereby authorized to keep and propagate therein and dispose of as provided by law, trout or other fish, _____ together with such additions thereto as may be hereafter acquired. This license authorizes possession, use, sale, and transportation by invoice as hereinafter provided, and expires _____ years after date.

STATE BOARD OF FISH AND GAME COMMISSIONERS.

By _____, Deputy.

Said license shall contain blanks for the insertion of the number thereof, the date of issuance, the name of the applicant to whom granted, the name of the pond, the description of the land upon which same is situated, the approximate number of trout or other fish desired to be kept in possession, and the term of the license.

SEC. 6. All trout or other fish, with the natural or artificial increase thereof, held and confined in any private pond or ponds for the culture thereof as herein provided and licensed under the terms of this Act, shall during the existence of the license or any renewal thereof be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell, or dispose of the fish therein of any size and in any quantity and at any time of the year, conforming to the conditions and subjected to the restrictions of this Act prescribed in relation thereto, but not otherwise, and the possession, pursuit, capture, taking, and

killing of any fish in any licensed pond without the consent of the proprietor shall be unlawful; *provided, however*, that there shall be no importation of any domestically reared trout into this State, except during the open season in this State for wild trout of the same species so imported, and no domestically raised trout so imported shall be sold or brought into this State for any purpose whatever of less than one pound in weight.

SEC. 7. When the proprietor of any licensed pond shall sell or dispose of any fish as herein provided, he shall at the same time deliver to the purchaser or donee, and attach thereto, an invoice signed by such proprietor or his duly authorized agent, stating the number of the license and the name of such pond or ponds, the date of the disposition, the kind, and as nearly as practicable the number and weight of such fish, the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this State, possession, and use for not more than ten days after date, and shall be substantially in the following form:

STATE OF CALIFORNIA.

STATE BOARD OF FISH AND GAME COMMISSIONERS.

PRIVATE POND FOR CULTURE OF DOMESTICATED TROUT AND OTHER FISH.

Invoice.

Name of pond-----
 Number of license-----
 Date -----
 Kind and number of fish-----
 Weight of same-----pounds
 Name of consignee-----
 Address of consignee-----

This authorizes transportation within this State, possession and sale for ten days after date, if attached to the article.

-----, Proprietor.
 By -----, Agent.

No invoice shall be issued or delivered except in conformity with the provisions of this section.

SEC. 8. Such proprietor or his agent shall at the same time deliver or mail postpaid a duplicate of such invoice to the State Board of Fish and Game Commissioners at their office; *provided*, that in the case of the sale or disposition of trout or other fish in quantities of less than three pounds in weight to any one purchaser or donee, such duplicate of invoice need not be delivered or mailed to said board, but said proprietor shall keep such duplicate for the period of sixty days thereafter, and shall exhibit the same to said board or any of its deputies upon demand.

SEC. 9. When any such fish for which an invoice is required are to be shipped by rail, express, or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered to the consignee or donee named in such invoice. If such fish is held or offered for sale, or sold by the consignee, or kept in any storeroom, café, restaurant, or boarding house, or elsewhere such invoice shall be kept attached thereto and until the same has been prepared for consumption.

In case of sale or disposition of a part of such fish, the vendor shall at the same time make a copy of such invoice and introduce thereon the date of sale, the number and kind of fish so disposed of, and the name of purchaser or donee who shall keep same attached thereto until the same is prepared for consumption, and the same shall have the same force as the original invoice. No copy of such invoice shall be issued or delivered except in conformity with the provisions of this section.

SEC. 10. Any wrongful misstatement in, or any omission of, a substantial requirement from any invoice or any copy thereof shall render the same void and be deemed a violation of this Act. And the possession of any fish without such invoice or copy thereof attached thereto, when sold or disposed of as above required, shall be unlawful.

SEC. 11. The proprietor of every private pond licensed under the preceding sections hereof shall, whenever required by the State Board of Fish and Game Commissioners, make and send to said State Board of Fish and Game Commissioners a report showing as near as practicable, the kind, number, and weight of fish held in possession at any time and the kind, number and weight of fish disposed of during the year preceding, and on hand at the time of the report.

SEC. 12. License for private ponds for the culture of domesticated trout or other fish shall be issued for a term of twenty-five years or any lesser period as the applicant may desire, and any license may be renewed from time to time for a like period, which renewal shall be in the same form and words as the original license with the word renewal written on its face. A renewal must be applied for, and a like fee shall be charged for any renewal of a license.

SEC. 13. Any lake, pond, or any body of water maintained in violation of this Act shall be deemed a continuing public nuisance, and may be abated as provided by law for the abatement of public nuisances, and each day the same is maintained in violation thereof shall be deemed a separate offense.

SEC. 14. The violation of any provision of this Act is hereby declared a public misdemeanor, and every person violating any of its provisions shall upon conviction thereof be fined in a sum not less than twenty-five dollars, or by imprisonment in the county jail for a term of not less than twenty days, or by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this Act shall be paid into the state treasury to the credit of the Fish and Game Commission Fund.

SEC. 15. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Senate Bill No. 112 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 774—An Act providing the time and payment of wages.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, strike out all of "Sec. 3."

Amendment adopted.

Bill read second time, to print, engrossment, and third reading.

Senate Bill No. 485—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 709—An Act to provide for the cancellation of application for lien lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for State lands.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

On motion of Senator Thompson, Senate Bill No. 711 was temporarily passed on file, to retain its place.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on

which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 741—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended, also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives and providing penalties for the violation of this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 7, Section 13, line 2, strike out the word "within".

Amendment adopted.

Also:

On page 7, Section 3, line 3, strike out the word "knowingly", and insert in lieu thereof the following: "willfully".

Amendment adopted.

Also:

On page 7, Section 14, line 1, strike out the word "knowingly", and insert in lieu thereof the following: "willfully".

Amendment adopted.

Also:

On page 7, Section 15, lines 1 and 2, strike out all of Section 15.

Amendment adopted.

Also:

On page 4, Section 6, line 5, strike out the word "interstate", and insert in lieu thereof the following: "intrastate".

Amendment adopted.

On page 5, Section 9, line 1, strike out the word "knowingly", and insert in lieu thereof the following: "willfully".

Amendment adopted.

Also:

On page 6, Section 10, line 42, after the word "explosives" insert the following: "to any person or carrier for the purposes of being transported".

Amendment adopted.

Also:

On page 7, Section 13, line 1, strike out the words "at or near" and insert in lieu thereof the following: "within five hundred feet of".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to punishment of the crime of assault.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, after the title insert the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Caminetti moved that Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 40854, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same—be re-referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 28 ordered re-referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Cassidy: Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed, or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Bills: Senate Bill No. 962—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, and 2319j of the Political Code of the State of California, relating to the State Com-

missioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers, fixing their compensation, and prescribing their duties.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Avey: Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

Senate Constitutional Amendment referred to Committee on Prisons and Reformatories.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

TYRRELL, Chairman.

Senate Bill No. 418 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 13—Relative to pending legislation in Congress affecting the title to oil lands in the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

SUSPENSION OF RULES.

Senator Wright moved that the rules be suspended and that Assembly Joint Resolution No. 13 be read and placed on file without reference to committee.

Motion carried.

ASSEMBLY JOINT RESOLUTION NO. 13.

WHEREAS, By reason of uncertainties in the law relating to the location of oil claims and title thereto under the placer mining law, caused by the decision of the Interior Department of the United States, reversing a long line of precedents, including decisions of the Supreme Courts of this and other states, and the ruling of the department itself, locators of mineral oil lands have been justly expecting Congress at this session to pass some legislation for the benefit of oil locators who have gone on in good faith, and made locations, and done work, and spent money in compliance with the provisions of the law as interpreted by the courts and the department for many years before such reversal; and

WHEREAS, Without such legislation at this session of Congress the work of development of oil lands will be curtailed to lowest possible expenditure, which means that thousands of workmen will be thrown out of employment, the production

of oil greatly lessened, and the price of oil materially enhanced, all of which would be detrimental to labor and the industries of this State; now, therefore:

Resolved, That we request our Senators and Representatives in Washington to urge upon Congress the importance and grave necessity for immediate relief legislation at this session of Congress, to the end that the interests at stake may be protected and the progress of oil development be not retarded, and further:

Resolved, That a copy of this resolution be transmitted by messenger to each of the Senators and Representatives in Congress from this State.

MOTION.

Senator Roseberry moved that Assembly Joint Resolution No. 13 be printed in the Journal.

Motion carried.

SPECIAL ORDER SET

Senator Wright moved that the further consideration of Assembly Joint Resolution No. 13 be made a special order for Thursday, February 9, 1911, immediately after the consideration of special order heretofore set.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER.

By Senator Rush: Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Strobridge: Senate Bill No. 964—An Act to add a new section to the Penal Code to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickel-odeons, and penny arcades, and fixing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Caminetti: Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions, and procedure thereon, and to limit the meaning of "conspiracy" in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 966—An Act to provide for the purchase of fling cases in the office of the Department of Engineering, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Campbell: Senate Bill No. 967—An Act making an appropriation to pay the claim of San Luis Obispo County against the State of California.

Bill read first time, and referred to Committee on Finance.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Hurd, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 9, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—39.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 8, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the reconsideration of the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 188 was passed be postponed, and made a special order for Tuesday, February 14, 1911, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Joint Resolution No. 13, the same was taken up for consideration.

ASSEMBLY JOINT RESOLUTION NO. 13.

WHEREAS, By reason of uncertainties in the law relating to the location of oil claims and title thereto under the placer mining law, caused by the decision of the Interior Department of the United States, reversing a long line of precedents, including decisions of the Supreme Courts of this and other states, and the ruling of the department itself, locators of mineral oil lands have been justly expecting Congress

at this session to pass some legislation for the benefit of oil locators who have gone on in good faith and made locations, and done work, and spent money in compliance with the provisions of the law as interpreted by the courts and the department for many years before such reversal, and

WHEREAS, Without such legislation at this session of Congress the work of development of oil lands will be curtailed to lowest possible expenditure, which means that thousands of workmen will be thrown out of employment, the production of oil greatly lessened, and the price of oil materially enhanced, so that there would be detrimental to labor and the industries of this State, and therefore,

Resolved, That we request our Senators and Representatives in Washington to urge upon Congress the importance and grave necessity for immediate action legislation at this session of Congress, to the end that the interests of oil lands be protected and the progress of oil development be not retarded, and therefore,

Resolved, That a copy of this resolution be transmitted by telegram, to each of the Senators and Representatives in Congress from this State.

Assembly joint resolution read previously.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Campbell, Cassedy, Estudillo, Gates, Hans, Hewitt, Hoehnan, Julliard, Larkins, Lewis, Martinelli, Rogers, Roscherry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Assembly Joint Resolution No. 13 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 251—An Act to amend Sections two hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also: Senate Bill No. 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

Senate Bills Nos. 251 and 250 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145, and 1216 of said Political Code, and by adding to said Political Code three new sections to be known and numbered as Section 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass with amendments.

ESTUDILLO, Chairman.

Senate Bill No. 382 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills: Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Also Senate Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Also Senate Bill No. 328—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 755, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Also Senate Bill No. 328—An Act to amend an Act to provide for the designation of irrigation districts, the maintenance and distribution of their subdivisions, and the distribution of their proceeds, by adding a new section thereto to be numbered Section 3225 and one more bill.

Also Senate Bill No. 330—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect, and fixing penalties for the violation of the same, or any of its provisions.

Also Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, to add a new section to Article VI thereof to be numbered Section 41, relating to the power of the State to regulate the sale of eggs and butter.

Also Senate Bill No. 338—An Act to repeal Section 626g of the Penal Code, relating to the sale of eggs and butter.

Also Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered Section 2080, and nineteen, and relating to leases for hunting privileges.

Also Senate Bill No. 456—An Act to amend Section 632j of the Penal Code, relating to the sale of eggs and butter.

Also Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4400, relating to the attendance of the county auditor or a deputy county auditor at the annual convention of the county board of supervisors.

Also Senate Bill No. 708—An Act to amend Section 3268 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location of the United States Land Office, of any and creating the same in the United States Land Office at Los Angeles, and to amend and repeal all laws in relation to the State, and said section as hereby amended as so provided that the Surveyor General shall not be a civil officer, so that there on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also Senate Bill No. 709—An Act to provide for the cancellation of application for the United States land office on March 24, 1909, when no selections were made and forwarded to the United States land office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such new lands made prior to March 24, 1909, when the selections of the lands described therein have not been forwarded to and received by the register and recorder of the local United States Land Office and given a register and recorder's receipt, and forwarded to the General Land Office at Washington, D. C., and of record thereon.

Also Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to the location of the United States Land Office, of any and creating the same in the United States Land Office at Los Angeles.

Also Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-second sections of range and belonging to the State of California, situated within the exterior boundaries of a national Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands as their selections of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Also Senate Bill No. 740—An Act to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 626p, relating to the punishment of selling.

Also Senate Bill No. 741—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Also Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the possessor.

Also Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Also Senate Bill No. 425—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred twenty-five b, relating to the recording of certain instruments and in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also Senate Bill No. 556—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered eighteen hundred seventy a, relating

to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

Also: Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Also: Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California, to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

Also: Senate Bill No. 653—An Act to provide for the appointment of business officers, with the powers of peace officers, to have authority in and out of courts, or city and county, in the State of California.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 14 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 26 ordered transmitted to the Assembly.

Senate Bills Nos. 337, 338, 498, 603, 158, 271, 456, 488, 708, 709, 710, 712, 714, 740, 741, 80, 400, 429, 556, 590, 591, and 654 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 194—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat, in Fresno County, to Yosemite Valley.

Also: Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Mission Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Finance.

GATES, Chairman.

Senate Bills Nos. 194 and 108 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County, a state highway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GATES, Chairman.

Senate Bill No. 109 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns and incorporated cities and counties of the State of California to appoint sealers of weights and measures, and defining the powers and duties of such officers.

Also: Senate Bill No. 116—An Act to add a new section to the Political Code to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 31 and 116 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 457—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Also: Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 457 and 685 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries, have had the same under consideration, and respectfully report the same back, and recommend that the same do pass and be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 787 ordered re-referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Roseberry: Senate Bill No. 968—An Act to amend section two hundred and sixty-four of the Penal Code, defining the punishment for rape.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 969—An Act to amend section eight of an Act entitled "An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people."

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 970—An Act to amend section eleven hundred and twenty-seven of the Penal Code, relating to duty of court in charging jury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 971—An Act to amend section ten hundred and ninety-six of the Penal Code, relating to reasonable doubt.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shanahan: Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class.

Bill read first time, and referred to Committee on County Government.

By Senator Strobridge: Senate Bill No. 973—An Act to amend "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Sanford: Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 975—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Larkins: Senate Bill No. 976—An Act to amend section five hundred ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 977—An Act to amend Section 530 of the Penal Code of the State of California, relating to gaming.

Bill read first time, and referred to Committee on Public Morals.

By Senator Regan: Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 979—An Act to regulate the work and hours of employees engaged in the occupation of cooks, cooks' helpers, waiters, and waitresses, in public eating houses, and providing a penalty for violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Lewis: Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Bill read first time, and referred to Committee on Education.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The Secretary of the Senate has submitted to the Senate Committee on Contingent Expenses the various accounts set out herein below for articles purchased for the use of the Senate, and the committee has examined the accounts and found them correct; therefore be it

Resolved, That the State Controller be, and is hereby, directed to draw separate warrants for the various sums set out herein below in favor of the Secretary of the

Senate, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Underwood Typewriter Company	\$20 00
Patrick & Co., San Francisco.....	3 25
Alex. Anderson, Sacramento.....	21 00
Wahl Stationery Company, Sacramento	151 50
H. S. Crocker Company, Sacramento.....	22 45
Henry E. Sleeper & Co., Sacramento.....	15 45

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilhard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Thompson, Tyrrell, and Walker—24.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Burnett: Senate Bill No. 983—An Act to amend Section 1195 of the Political Code, relating to the submission of constitutional amendments to the people.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cassidy: Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 985—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hewitt: Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate, and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue, or highway, or across any railway, canal, ditch or flume.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalk and curbing within municipalities," approved March 6, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 988—An Act to authorize cities of the first and one-half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 989—An Act directing, authorizing, and empowering the trustees of the State Normal School at Los Angeles to exchange certain real property and improvements thereon, the property of the State of California and used as a site for the State Normal School at Los Angeles, for other real property within the city of Los Angeles, the property of said city: prescribing the terms of such

exchange; providing for the erection of suitable buildings thereon, equipping and furnishing the same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure to be known as section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street, or alley purposes, under the right of eminent domain, and to the compensation for such removal or relocation.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 991—An Act to amend section three thousand fifty and one half of the Political Code of the State of California, relating to the duties of the county assessor.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 992—An Act to amend sections four thousand thirteen, four thousand fifteen, four thousand nineteen, four thousand twenty, four thousand twenty-two, four thousand twenty-eight, four thousand forty-one, four thousand forty-nine *b* of the Political Code, relating to the officers of counties, the election of certain county officers, the appointment of certain county officers, and the terms of county officers, the establishment of townships, the consolidation of offices, the bonds of officers, the qualification of supervisors, the powers of boards of supervisors, and to repeal sections four thousand twenty-nine and four thousand forty-one *a* of the Political Code.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 993—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 994—An Act to amend section four thousand one hundred thirty-seven of the Political Code, relating to the filing and indorsements of instruments, papers, and notices for record in recorders' offices.

Bill read first time, and referred to Committee on County Government.

By Senator Hans: Senate Bill No. 995—An Act to amend an Act entitled "An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations; limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, by amending section one thereof.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March

1, 1909, by amending sections forty-six, sixty-one, and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 997—An Act to amend an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Bill read first time, and referred to Committee on Banking.

By Senator Campbell: Senate Bill No. 998—An Act to amend Section 167 of the Penal Code of the State of California, relating to false certificates and acknowledgments of notaries public and other officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 999—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Laws,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, and all Acts amendatory thereof and supplementary thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gates: Senate Bill No. 1000—An Act to provide for the recall of certain state, county, township, or municipal officers in the State of California, and for the election of a successor thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1002—An Act to amend section one thousand three hundred and thirteen of the Civil Code, relating to charitable bequests.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1003—An Act to amend section seven hundred and eighteen of the Civil Code, relating to leases of city lots for the term of ninety-nine years.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1004—An Act to add a new section to the Code of Civil Procedure to be known as section sixty-seven c, relating to the selection of a Superior Judge to try a cause upon request of the parties thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds:

to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 1007—An Act to regulate the manufacture and sale of viruses, therapeutic serums, toxins, antitoxins, vaccines, and analogous products for the prevention, treatment, or diagnosis of diseases of man or beast within the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Burnett: Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto to be known as Section 2522 *a* thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 1009—An Act appropriating three hundred thousand dollars to be expended under the direction of the State Board of Examiners for the purpose of advertising the resources of the State of California, and calling attention to its agricultural, horticultural and industrial advantages, one half of said sum to be expended during the fiscal year commencing July 1, 1911, and the remaining one half to be expended during the fiscal year commencing July 1, 1912.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Stetson: Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1012—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the

dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 1014—An Act to amend section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Tyrrell (by request): Senate Bill No. 1015—An Act to amend section sixty-eight of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Bill read first time, and referred to Committee on Banking.

By Senator Rush: Senate Bill No. 1016—An Act to provide for the collection, compilation, and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Dairy-
ing, Fruit and Vine Interests.

By Senator Hewitt: Senate Bill No. 1017—An Act to amend sections fifteen, thirty, thirty-one, thirty-four, thirty-nine, thirty-five, and sixty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes" approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby", approved April 21, 1909, to be known as section twenty-one *a*, relating to the proof of posting and publishing notices.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys courts, or other places within municipalities," approved April 21, 1909, to be known as section five *a*.

Bill read first time, and referred to Committee on Municipal Corporations.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, amusement and advertising purposes.

Also Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro" approved March 19, 1880.

Also Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations."

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 552 and 874 ordered on file for second reading.

Assembly Bill No. 807 ordered on file for second reading.

ON MINING AND OIL INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Mining and Oil Industries, to whom was referred Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof—have had the same under consideration and respectfully report the same back, and recommend that it do pass as amended.

BIRDSALL, Chairman.

Assembly Bill No. 269 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Senate Bill No. 225 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of Monterey Bay, within the county of Santa Cruz.

On motion of Senator Holohan, Senate Bill No. 406 was passed, to be placed at the foot of the file.

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Senate Bill No. 350 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health; providing for the appointment of a director thereof and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Cutten, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months; requiring the labeling thereof by all persons selling or offering the same for sale; empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect, and fixing penalties for the violation of the same or any of the provisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 603 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Read third time, previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 497 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498—An Act to amend "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins,

Lewis, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 337 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 22, the same was taken up for consideration.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

During the reading of the Senate constitutional amendment, the following amendments were offered by Senator Caminetti:

AMENDMENT No. 1.

On page 2, Section 1, line 23, after the word "by" insert the following: "at least one per centum of the".

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Beban, Caminetti, Estudillo, Hare, Juilliard, Martinelli, Sanford, and Wright—8.

NOES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cassidy, Cullen, Gates, Hans, Hewitt, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Welch—24.

AMENDMENT No. 2.

On page 2, Section 1, line 23, strike out the words before the word "equal", and insert the following: "in at least ten counties of the State".

Amendment refused adoption.

The question being now on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 22 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Welch—33.

NOES—Senator Wright—1.

Senate constitutional amendment ordered engrossed and transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Caminetti arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: While in favor of the principles underlying Senate Constitutional Amendment No. 22, I believe that the power to put into motion the authority reserved to the people therein should not be placed in the power entirely of large, populous cities or counties containing in their respective confines population sufficient to secure the required percentage of signers to petitions that may be filed under its provisions. The fathers jealously guarded against centralization of power of the people as well as of the State, in providing against the possibility of populous states controlling the elections for President and the deliberations of the Senate of the United States. When it is remembered that this authority extends to amendments to our Constitution, as well as to our laws, and that in reference to the latter the veto power is inhibited, we should pause before giving large cities and counties this extensive power. It is no answer that in the present state of public opinion there is no danger to the general welfare. We should provide, in all proposals to amend the Constitution and the laws, for all contingencies and guard the probabilities that sometimes may become possibilities, and thus cause detriment to the people.

We follow the rule set forth in my amendments in nominating petitions for Governor and other State officers, and in like manner, but with reduced percentages for other State officers—the reason for the rule in these cases being the same that supports my contention, viz: to prevent large communities controlling and dictating such nominations.

While I would have preferred to see my amendments adopted as a matter of precaution, I could not record my vote against principles for the adoption of which I have labored for years.

This contention applies with greater force to the companion measure providing for the recall—particularly in its application to the judiciary.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 338 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED)

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Read third time.

On motion of Senator Cassidy, Senate Bill No. 190 was temporarily passed on file, to retain its place.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Senate Bill No. 646 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Senate Bill No. 647 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Carlinetti, Campbell, Cartwright, Cassidy, Finn, Hare, Hewitt, Holden, Hard, Juddard, Jones, Martinelli, Rogan, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Campbell moved that No. 63 of the standing rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED)

Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

On motion of Senator Larkins, Senate Bill No. 507 was passed, to be placed at the foot of the file.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

On motion of Senator Finn, Senate Bill No. 160 was passed, to be placed at the foot of the file.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an

Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

Senate Bill No. 531 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 588—An Act to add a new section to the Civil Code of the State of California to be numbered 292*a*, relating to articles of incorporation, and requiring that the signatures of each person therein named as director shall be affixed to said articles of incorporation and acknowledged.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 589 passed by the following vote.

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 643—An Act regarding irrigation, and declaring the same to be a public use.

On motion of Senator Thompson, Senate Bill No. 643 was temporarily passed on file, to retain its place.

Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

On motion of Senator Estudillo, Senate Bill No. 664 was passed, to be placed at the foot of the file.

Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juddard, Larkins, Lutes, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR MARTINELLI IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator Martinelli of the Ninth District, in the chair.

THIRD READING OF SENATE BILLS—RESUMED

Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy six and repeal section three thousand seven hundred and seventy-seven, of the Political Code, relating to tax sales.

Read first time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juddard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juddard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered eighteen hundred seventy and one half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

Read third time.

On motion of Senator Gates, Senate Bill No. 556 was temporarily passed on file, to retain its place.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Black, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Also: Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Also: Assembly Bill No. 843—An Act to adopt a state song for the State of California.

Also: Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund provided for in said Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 622, 625, 843, and 889 read first time.

Assembly Bills Nos. 622 and 843 ordered referred to Committee on Judiciary.

Assembly Bill No. 625 ordered referred to Committee on Commerce and Navigation.

Assembly Bill No. 889 ordered referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

Also: Assembly Bill No. 118—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Also: Assembly Bill No. 119—An Act providing for an appropriation for \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also: Assembly Bill No. 120—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also: Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 539—An Act to prevent the fishing or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 103, 118, 119, 120, 472, 508, and 539 read first time.

Assembly Bills Nos. 103 and 472 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 118, 119, and 120 ordered referred to Committee on Prisons and Reformatories.

Assembly Bill No. 508 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 539 ordered referred to Committee on Fish and Game.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Campbell, the hour of recess was extended five minutes.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER—RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 133—An Act to amend Section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

And ask your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 133?"

Strike out of Section 1, line 5, page 1, of the printed bill, the word "tenants", and insert in lieu thereof the word "tenant".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 133 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—30.

NOES—None.

Senate Bill No. 133 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 278?"

AMENDMENT No. 1.

In line 8, of the printed bill, the last word "his" should be stricken out, and insert the word "its".

AMENDMENT No. 2.

On page 2, of the printed bill, strike out all of Section 2.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 278 by the following vote:

AYES—Senators Bell, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Welch, and Wright—29.

NOES—None.

Senate Bill No. 278 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Sanford: Senate Bill No. 1020—An Act to provide for the payment of a license tax upon each person, firm, or corporation engaging in the business of selling or disposing of distilled spirit wines.

or malt liquors, or intoxicating liquors, and providing a penalty for the violation hereof, and providing for the regulation of the liquor traffic in the State of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Welch asked for, and was granted, unanimous consent that the San Francisco Delegation be granted the use of the Senate chamber on Wednesday, February 15, 1911, at eight o'clock p. m., for a public hearing on Senate Constitutional Amendment No. 15—Relating to the formation of consolidated city and county governments.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Also Senate Bill No. 673—An Act to regulate bakeries or bakeshops; prohibiting the use of cellars or basements for the manufacturing of flour or meat food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Also: Senate Bill No. 631—An Act to establish a State Board of Embalmers; defining the duties thereof; providing for the better protection of life and health; preventing the spread of contagious diseases; regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

REGAN, Chairman.

Senate Bills Nos. 725, 673, and 631 ordered on file for second reading.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty-five minutes p. m., on motion of Senator Wright, the hour of recess was extended five minutes.

REPORT OF STANDING COMMITTEE—OUT OF ORDER—RESUMED.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees.

Also: Senate Joint Resolution No. 11—Relative to the continuation by the United States of surveys for the construction of storage reservoir sites for the impounding of flood waters in the Sierra Nevada Mountains, in the State of California, and asking that an appropriation be made for forwarding the work as speedily as possible.

Also: Senate Joint Resolution No. 15—Relative to the plague and famine existing in China and Manchuria.

Also: Senate Joint Resolution No. 8—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Also: Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WRIGHT, Chairman.

Senate Joint Resolutions Nos. 6, 11, 15, 8, and 10 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

WRIGHT, Chairman.

Assembly Joint Resolution No. 1 ordered on file.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Bell, the acting President, declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 369 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Stredbridge, Thompson, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

On motion of Senator Stetson, Assembly Bill No. 68, was temporarily passed on file, to retain its place.

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs

at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 329 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Ch. 214, Stats. 1905).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Ch. 579, Stats. 1909).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 337 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Campbell, Cartwright, Cassidy, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Stetson, Strobridge, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chap. 210, Stats. 1907).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 338 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Campbell, Cartwright, Cassidy, Cutton, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third reading of Senate bills was taken up out of order.

Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Finn, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 400 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county, in the State of California.

Senate Bill No. 653 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 429—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 429 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 591 passed by the following vote:

AYES—Senators Avey, Beban, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Tyrrell—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities and amendments thereto.

Senate constitutional amendment read.

On motion of Senator Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for a minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code relating to the tree squirrel.

Senate Bill No. 158 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered seven hundred and nineteen, and relating to leases for hunting privileges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 271 passed by the following vote:

AYES—Senators Beban, Bills, Birdsall, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hurd, Lewis, Regan, Rush, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—22.

NOES—Senators Bell, Campbell, Hewitt, Juilliard, Larkins, Roseberry, and Stetson—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

On motion of Senator Finn, Senate Bill No. 456 was temporarily passed on file, to retain its place.

Senate Bill No. 740—An Act to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 626*p*, relating to the protection of beaver.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan,

Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, and Wright—32.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Senate Bill No. 488 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

On motion of Senator Martinelli, Senate Bill No. 714 was temporarily passed on file, to retain its place.

Senate Bill No. 741—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—Senators Boynton, Gates, and Roseberry—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Thompson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Senate Bills Nos. 708, 709, 710, 711, and 712 constitute a series of bills which were drawn by the Attorney General and approved by the Surveyor General of this State. They are introduced for the purpose of assisting in carrying out the plan initiated in 1909 under a series of bills then passed, for the purpose of facilitating a settlement between the State and the United States with respect to the certification and patenting of state school lands, and to enable the authorities of the State Land Office to terminate the confusion existing for many years regarding applications to purchase. There are in the office of the Surveyor General applications which have been filed there eighteen or twenty years ago.

Members of this body have to-day received through the mail a scurrilous and defamatory pamphlet utterly misrepresenting the purpose of these bills, and attacking the motives of those who advocate their passage.

The gentlemen who have prepared these measures court every investigation. I myself prefer that a hearing should be had. If any member of this body desires that the whole question as to the necessity for or effect of these bills should be investigated, or wishes any other information upon the subject, I stand ready to make a motion to re-refer them all to the Judiciary Committee for the purpose of fixing a public hearing. If there be no objection to the passage of these measures, or no request for such hearing and investigation, then I ask that these bills be now read and placed upon their passage.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS — RESUMED

Senate Bill No. 709—An Act to provide for the cancellation of application for lien lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver number and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 709 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 710 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins,

Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—31

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 485—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 485 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Also: Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1911, at two o'clock and thirty minutes P. M.

CASSIDY, Chairman.

QUESTION OF PERSONAL PRIVILEGE

Senator Curtin arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was absent from the Senate Chamber to-day when Senate Constitutional Amendment No. 22, known as the initiative and referendum amendment, was passed, having been engaged at said time in the work of the Tax Commission. I stated yesterday when this amendment was under discussion that I desired to offer the following amendment thereto. After the word "purpose", on page 2, line 60 insert the following: "The Legislature may pass any law on the same subject mentioned in said petition, or in the measure by it submitted, and in case either the measure proposed in said petition or in the measure submitted to the electors shall be adopted at the election referred to, the adoption of such measure shall operate as a repeal of the said law enacted by the Legislature as above mentioned." The omission of such provision leaves this amendment in such condition as it will fail to accomplish the purpose desired, but had I been present in the Senate at the time said amendment was voted upon I would have voted for said amendment whether the above quoted portion was adopted or rejected.

Also:

Senator Strobridge arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I desire to state that I was in the Committee of Education on this day when Senate Constitutional Amendment No. 22 was voted upon, and had I been present I would have voted for the same.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Curtin:

Resolved, That on the morning of each day hereafter upon which this Senate is to be in session and before the opening of the Senate, the Secretary of Senate shall cause to be placed upon the desk of each Senator one copy of the printed bill, if amended the last amended bill, to be considered during such day as the same appears from the Senate File for such day, said bills to be fastened together by a suitable holder or fastener.

Resolution read, and ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 211—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Senate Bill No. 214—An Act to provide for experiment and research work in viticulture; directing publication of the results of experiments and investigations; making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Finance.

BILLS. Chairman.

Senate Bills Nos. 208, 209, 211, and 214 ordered re-referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on County Government.

BLACK, Chairman.

Senate Bill No. 615 ordered re-referred to Committee on County Government.

LEAVE OF ABSENCE.

Senator Welch was, on his own motion, granted leave of absence until Monday, February 13, 1911.

WITHDRAWAL OF BILL.

Senator Hays asked for, and was granted, unanimous consent to withdraw Senate Bill No. 225—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Senate Bill No. 225 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS.

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 3, line 3, strike out the word "twelve", and insert in lieu thereof the word "five".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

During second reading of the bill, the following amendment was offered by Senator Thompson:

Strike out of lines 39 and 40, on page 2, of the printed bill, the words "in effect before the passage hereof", and insert in lieu thereof the following: "of one dollar and twenty-five cents (\$1.25) per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location, the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any Act of the Legislature requiring such payment, or before if desired by the purchaser, provided said application be good and valid, and said applicant shall have complied in all respects with the laws in relation to the sale of such lands."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, after the word "employ" strike out the remainder of the sentence ending in line 18, and insert in lieu thereof the following: "and, at an agreed compensation, not to exceed ten dollars a day, to be first approved by the court, and if, in their judgment, the services of assistants are such experts as required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court, not to exceed, however, five dollars a day for each assistant, such compensation of expert and assistants to be payable as other county charges".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered 1057½, relating to justification by corporate surety on bonds or undertakings.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 3, strike out the figures "1057½", and insert in lieu thereof the following: "Section 1057a".

Amendment adopted.

Also:

On page 1, after enacting clause, insert the following: "Section 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1057a, to read as follows:"

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the figure "1", and insert in lieu thereof the following: "a".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners or prior unrecorded deeds and incumbrances.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

SENATOR CARTWRIGHT IN THE CHAIR.

At four o'clock and fifteen minutes p. m., Senator Cartwright, of the Twenty-sixth District, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 716—An Act governing and regulating plumbing; providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing, and commitment of inebriates and drug habitues to a state hospital for the insane.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1750, line 23, strike out the small "C", and insert in lieu thereof the following: a capital "T".

Amendment adopted.

Also:

On page 2, Section 1750, line 22, strike out all of line 22.

Amendment adopted.

Also:

On page 2, Section 1750, line 25, after the word "dissect" insert "(or) textbooks prescribed by State Board of Education."

Amendment adopted.

Also:

On page 1, Section 1750, line 13, strike out the word "shall", and insert in lieu thereof the following: "may".

Amendment adopted.

Also:

On page 1, Section 1750, line 12, strike out the word "shall", and insert in lieu thereof the following: "may".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the Board of Education thereof.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the comma after the word "city".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 723—An Act amending section one hundred seventy-one *a* of the Penal Code of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers, and escheat of unclaimed funds.

Bill read second time, ordered engrossed, and on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to the county clerk's fees.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Also: Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act which section shall be numbered 13*a*, relating to the practice of medicine and surgery, osteopathy and other systems and modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13*a* hereby added thereto.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 22 ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 261 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

By Senator Hurd: Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1022—An Act entitled "An Act to provide State aid for the support of postgraduate courses in high schools."

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1023—An Act entitled "An Act to amend Section 1775 of the Political Code, relating to the issuing of teachers' certificates upon credentials."

Bill read first time, and referred to Committee on Education.

By Senator Bills: Senate Bill No. 1024—An Act to amend an Act entitled "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for the shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for the failure to load or unload cars so furnished," approved April 20, 1909.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1025—An Act to amend Sections 1, 2, 3 and 4 of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add nine new sections thereto to be numbered 1a, 3½, 3a, 3b, 5, 6, 7, 8, and 9, and to repeal Section 4½ of said Act.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Campbell: Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hewitt: Senate Bill No. 1028—An Act to provide for the incorporation, and organization, and management of municipal water districts.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1030—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Beban: Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Cassidy: Senate Bill No. 1032—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bryant: Senate Bill No. 1033—An Act to regulate the business of loaning money on security of any kind by persons, firms, companies, or corporations other than those engaged in or conducting such business under the supervision and control of such official or officials as are by law vested therewith; providing for the supervision and control of said business under the direction of the official who is by law vested with the supervision and control of banks and banking, and who is herein designated as the Superintendent of Banks, and under the immediate direction of a deputy, clerks, and examiners; to authorize the appointment of such deputy, clerks, and examiners, and providing for their compensation; prescribing the duties, powers, and authority of the deputy, who is to be known as the "loan supervising deputy"; providing for the office of the said deputy, to be known as the "loan supervising bureau"; providing for a fund to be known as the "loan supervising fund"; providing for a system for licensing and supervising persons, firms, companies, and corporations doing the business herein defined and for assessing and collecting the license fees and other sums necessary to meet the salaries and other expenses thereof; prescribing what acts or omissions shall constitute violations of the Act; providing a course of procedure; providing penalties for violations of law regulating such business, or failure to comply with the provisions of this Act; and repealing inconsistent Acts or parts of Acts, including an Act entitled "An Act to define personal property brokers and regulate their charge and business", approved April 16, 1909.

Bill read first time, and referred to Committee on Corporations.

By Senator Lewis: Senate Bill No. 1034—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Bill read first time, and referred to Committee on Hospitals and Asylums.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Hurd:

Resolved, That the State Printer be, and he is hereby, instructed to print two hundred extra copies of Senate Bill No. 1022.

Resolution read, and referred to Committee on Printing.

THIRD READING OF SENATE BILLS, ETC.—(OUT OF ORDER).

Senate Joint Resolution No. 13—Relative to aid from the Government of the United States for industrial education and the inauguration and establishment of a national university and department of education.

The following amendment to Senate Joint Resolution No. 13 was offered by Senator Caminetti:

On page 2, line 18, strike out the word "proportionally", and insert in lieu thereof the following: "proportionately."

Amendment adopted.

Senate Joint Resolution No. 13 ordered to print, and on file.

ANNOUNCEMENT

The President presented the following communication relative to the accrediting of newspaper correspondents, which was read and ordered printed in the Journal:

HON. A. J. WALLACE, *Lieutenant Governor, State of California.*

SIR: I have the honor respectfully to inform you that Ray I. Harris has been assigned as one of the San Francisco Call's regular representatives for the thirty-ninth session, and to request for him the privileges and credentials usually accorded in such cases under the rules of the Senate.

Very respectfully,

GEO. A. VAN SMITH,
Political Editor.

February 9, 1911.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 10, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Escudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright. 35.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence until Monday, February 13, 1911.

Senator Avey was, on motion of Senator Regan, granted leave of absence for this day.

Senator Strobbridge was, on motion of Senator Thompson, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 9, 1911, the further reading was dispensed with, on motion of Senator Rush.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 13 be postponed, and made a special order for Tuesday, February 14, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At ten o'clock and fifteen minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RESOLUTION.

The following resolution was introduced:

By Senator Tyrrell:

WHEREAS, It is most desirable that direct communication between the counties bordering on the north of San Francisco Bay and those bordering on the south be established, thus connecting the highways of the sections of the State north and south of said bay and affording a state-owned bridge for the use of steam and electric railways, said bridge to be provided also with facilities for the passage of vehicles, automobiles, pedestrians, and live stock; and

WHEREAS, The construction of said bridge could be financed by the issuance of long term bonds, the interest, payments and the sinking fund to be provided for from the tolls of said bridge; therefore, be it

Resolved, That the California Development Board recommends to the Governor and Legislature of the State of California now in session that the State Engineer be directed to make a survey for a suspension or pier bridge of such height as will not impede the free navigation of the bay at or about the Straits of Carquinez, and that a sufficient fund be appropriated by the Legislature now in session to carry out this recommendation; and be it further

Resolved, That the State Engineer be directed to make a careful estimate as to the cost of said bridge, including the necessary railway tracks thereon, and submit to the Governor his plans and estimates covering said work, with a view to further action by the Legislature.

Resolution read, and ordered printed in the Journal.

SENATOR STETSON IN THE CHAIR.

At ten o'clock and forty-five minutes A. M., Senator Stetson, of the Fifteenth District, in the chair.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor J. H. Norton, of Riverside.

On request of Senator Rush, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. F. L. Counts, of Napa, ex-Speaker of the Assembly.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge G. W. Nind, of Sonora.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills.

Senate Bill No. 713—An Act relating to explosives, and prescribing regulations for the transportation, storage and selling of explosives, and prescribing penalties for the violation of this Act.

Also: Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Also: Senate Bill No. 774—An Act prescribing for the time of payment of wages. And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 713, 732, and 774 ordered on file for third reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 37—An Act to provide for the regulation of the trade in alcoholic liquors by establishing local option, authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted, forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors within or contiguous to certain state buildings and grounds.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

BELL, Chairman.

Assembly Bill No. 37 ordered on file for second reading.

Senate Bill No. 935 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 901—An Act to define and prohibit bucketing and bucket shopping; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties; have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass.

BELL, Chairman.

Senate Bill No. 901 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 729—An Act to create a system of firewardens to prevent and suppress forest fires; providing for their appointment and compensation; creating a forest fire fund; providing for cooperation with the State on the part of the counties and private owners of timber land in fire protection; declaring certain acts a nuisance, and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

HEWITT, Chairman.

Senate Bill No. 729 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 672—An Act to increase the number of Judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Also: Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Senate Bills Nos. 672, 674, and 731 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Judiciary.

HEWITT, Chairman.

Senate Bill No. 691 ordered re-referred to Committee on Judiciary.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 779—An Act providing for surveys and reports with estimates of cost of reclamation of the great central valley of California, including the Sacramento, San Joaquin, Kern and Tulare valleys, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Finance.

MARTINELLI, Chairman.

Senate Bill No. 779 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overlooked Lands to whom was referred Assembly Bill No. 559—An Act to create a reclamation district to be called Reclamation District Number 900, and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back, and the majority recommend that it do pass as amended; minority, do not pass.

MARTINELLI, Chairman.

Assembly Bill No. 559 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overlooked Lands to whom was referred Senate Bill No. 571—An Act to provide for the excavation and delivery by the State Treasurer in certain cases to the purchasers of waste, salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Also: Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Also: Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

Also: Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels, or canals into other states for use therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Senate Bills Nos. 571, 572, 917, and 922 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine to whom was referred Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REGAN, Chairman.

Assembly Bill No. 547 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

BLACK, Chairman.

Senate Bill No. 736 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the

Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 276—An Act to amend Section 628*b* of the Political Code of the State of California, relating to the protection and preservation of fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

WALKER, Chairman.

Senate Bills Nos. 635 and 276 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back with amendments, without recommendation.

WALKER, Chairman.

Senate Bill No. 47 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to section seventeen of article four of the Constitution of the State of California, in relation to the impeachment of judicial officers.

Senate constitutional amendment referred to Committee on Election and Election Laws.

By Senator Birdsall: Senate Bill No. 1035—An Act to make an appropriation for the continuation of the location, survey, and construction of a state highway from a point known as the Mt. Pleasant ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1036—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1038—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator Shanahan: Senate Bill No. 1039—An Act adding a new section to Part III, Title III, Chapter III, Article XV of the Political Code, to be numbered Section 1756*a*, relating to maintenance and support of high schools; also amending Section 1757 of Part III, Title III, Chapter III, Article XV of the Political Code.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1040—An Act adding a new section to the Penal Code to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman, or other person having charge of two or more men, and providing a penalty.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1041—An Act adding a new section to the Penal Code to be known and numbered as Section 357j.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1042—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1043—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers of counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Larkins: Senate Bill No. 1044—An Act to amend section ten of an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1045—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties; and to authorize the appointment of the secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials, and providing for a penalty for violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the

San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Bill read first time, and referred to Committee on Finance.

By Senator Martinelli: Senate Bill No. 1048—An Act to create for the State of California a department of architecture; to provide for the appointment of officers and employees thereof; defining its powers and prescribing the duties of said department, its officers and employees; to make an appropriation for the salaries and other expenses of said department of architecture, and repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Also: Senate Bill No. 1050—An Act entitled "An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1051—An Act entitled "An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime."

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November, in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1054—An Act to amend 4273 of the Political Code, relating to salaries of officers of counties of the forty-fourth class.

Bill read first time, and referred to Committee on County Government.

SENATOR BLACK IN THE CHAIR.

At ten o'clock and twenty minutes A. M., Senator Black, of the Twenty-eighth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (RESUMED.)

By Senator Rush: Senate Bill No. 1055—An Act to establish a department of agriculture for the State of California, to provide for officers and employees thereof and to fix their compensation and prescribe their powers and duties, and to provide for the transfer to said department of the powers and duties of the State Board of Agriculture, the State Agricultural Society, the State Dairy Bureau, the University farm and school of agriculture at Davis, the State Veterinarian, the State Commissioner of Horticulture, the State Board of Forestry, the powers and duties of the State Board of Health relating to the pure foods, liquors and drugs law, and the powers and duties of the Board of Regents of the University of California, relating to the University farm and school of agriculture at Davis, and the holding of farmers' institutes, and repealing all Acts and parts of Acts in conflict with or inconsistent with this Act.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Campbell: Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to Section 1 of Article VI of the Constitution of the State of California, in relation to the judicial power of the State.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 1056—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code of the State of California, and repealing Section No. 648a, of the Civil Code of the State of California, all relating to land and building corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1057—An Act to amend section four hundred and twelve of the Penal Code of the State of California, relating to prize-fighting and sparring exhibitions.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California.

Bill read first time, and referred to Committee on County Government.

Also (by request): Senate Bill No. 1059—An Act to amend Section 3607 of the Political Code, relating to property in the State subject to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Senate Bill No. 1060—An Act to amend Section 3629 of the Political Code, relating to statement of property required by assessor.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cassidy: Senate Bill No. 1062—An Act to provide for the completion of the construction of the highway known as the Kings River Highway, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches, and other places, and providing for the punishment for a violation of this Act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bills: Senate Bill No. 1065—An Act authorizing the payment of the claim of Lewis A. Hilborn against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California, relating to gift enterprises.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Wright: Senate Bill No. 1069—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justice courts, justices of the peace, and their compensations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1070—An Act to amend Section 1469 of the Code of Civil Procedure, relating to estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 1071—An Act entitled an Act to add a new section to the Political Code to be numbered Section 1752, relating to the annexation, consolidation, and merger of union high school districts with high school districts of an incorporated city or town.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1072—An Act to establish a State agricultural college and forestry school at San Diego, California.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Finn: Senate Bill No. 1073—An Act amending Section 679*a* of the Penal Code, relating to prison-made goods.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 1074—An Act to regulate the ownership or possession of lands by aliens.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1075—An Act to amend Section 1662 of the Political Code, relating to schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals, and peace of their inhabitants by restricting undesirable, improper, and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Bell: Senate Bill No. 1077—An Act appropriating money to pay the claim of H. O. Waterman against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1078—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hurd: Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Gates: Senate Bill No. 1080—An Act to amend Section 946 of the Code of Civil Procedure, relating to appeals and undertaking on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1082—An Act to amend section five hundred ninety-four of the Political Code, relating to insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of two additional Superior Court judges in Los Angeles County, and providing for their compensation.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1084—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto to be numbered 69*a* and 69*b*, relating to the issuance of marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1087—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1089—An Act to amend section ten of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations, incorporated under the laws of this state, for the construction of water works, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class containing more than three thousand and less than ten thousand inhabitants to obtain water works'; also to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State,' " approved March 19, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Senate Bill No. 1090—An Act making an appropriation of thirty-nine thousand two hundred dollars and twenty-five cents (\$39,200.25) to pay the claim of John F. O'Brien against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1091—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Thompson: Senate Bill No. 1092—An Act to amend sections seventy-eight and ninety of the Political Code relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict herewith.

Bill read first time, and referred to Committee on Apportionment and Representation.

Also: Senate Bill No. 1093—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict herewith.

Bill read first time, and referred to Committee on Apportionment and Representation.

Also: Senate Bill No. 1094—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

Also: Senate Bill No. 1095—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts.

Bill read first time, and referred to Committee on Apportionment and Representation.

Also: Senate Bill No. 1096—An Act to amend Sections 1075, 1077, and 1078 of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands to the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1102—An Act providing for the conveyance of quitclaim deed from the State of California to the Government of the United States of certain lands erroneously conveyed or patented to said State by said Government.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1103—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1104—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1105—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1106—An Act to repeal Sections 3444, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands when applicant is a female.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1107—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1108—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1109—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1110—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the State Land Office in relation to lands sold by the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1111—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provisions of Section 3406 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1112—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis U. Hoin against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1122—An Act appropriating money to pay the claim of Lewis A. Hilborn against the State of California.

Bill read first time, and referred to Committee on Finance.

SUSPENSION OF RULES.

Senator Campbell moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Hewitt: Senate Constitutional Amendment No. 41—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California amending section fourteen of article one thereof, relating to the taking of private property under the right of eminent domain.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

Senate constitutional amendment referred to Committee on County Government.

Also: Senate Constitutional Amendment No. 43—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing that the President of the Alumni Association of the University of California be ex officio a Regent of the University of California, thus increasing the number of the Board of Regents of the University of California from twenty-three, the present constitutional limit, to twenty-four, and to that end amending Section 9 of Article IX of the Constitution of the State of California.

Senate constitutional amendment referred to Committee on Education.

Also: Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1124—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1126—An Act to promote education in literature, music and the fine arts, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1128—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 121 of said Act, in relation to the appointees of the Superintendent of Banks.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 1129—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the board of health of the city and county of San Francisco," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1130—An Act to amend Sections 2521, 2522, and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1131—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, photographic reporters, and stenographers in the Attorney General's office and fixing their salaries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 1 $\frac{1}{2}$.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, and by amending section four thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two of the Penal Code, all relating to appeals to the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1135—An Act to add a new section to the Penal Code to be numbered section five hundred thirty eight *c*, relating to giving or receiving rebates on premiums on policies of insurance.

Bill read first time, and referred to Committee on Corporations.

Also, Senate Bill No. 1138—An Act to amend sections four thousand three hundred seven of the Federal Code, relating to money charges.

Bill read first time, and referred to Committee on County Government.

Also, Senate Bill No. 1137—An Act to amend section twelve hundred and forty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 1136—An Act to amend Sections 1740 and 1741 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 1135—An Act to authorize the acquisition of certain parcels of land in cases where only a portion of such parcels is required for public use.

Bill read first time, and referred to Committee on Judiciary.

Also, Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and second class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

Bill read first time, and referred to Committee on Municipal Corporations.

Also, Senate Bill No. 1141—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement, and also for the payment of such bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rush: Senate Bill No. 1142—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Bill No. 1143—An Act repealing an Act entitled "An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith," approved March 24, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Bill No. 1144—An Act to add two new sections to the Penal Code of the State of California to be numbered three hundred and eighty-four *b* and three hundred and eighty-four *c*, relating to keeping perishable foods in cold storage, marking the date thereof, and providing a penalty therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 1145—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters and sewing machines, or upon any other personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections twenty, twenty-one and twenty-two of article twelve thereof, and by repealing section twenty-three of article twelve thereof, relating to Railroad Commissioners of the State of California.

Senate constitutional amendment referred to Committee on Corporations.

Also: Senate Bill No. 1146—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendent of state hospitals, and the purchase of supplies for such state hospitals.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passenger.

Bill read first time, and referred to Committee on Corporations.

By Senator Cartwright: Senate Bill No. 1148—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Bill read first time, and referred to Committee on Finance.

By Senator Hans: Senate Bill No. 1149—An Act to amend Section 1622a of the Political Code, relating to teachers' salaries, and fixing a minimum amount to be paid.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Roseberry: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

Senate constitutional amendment referred to Committee on Corporations.

Also: Senate Bill No. 1151—An Act regulating the sale of seeds of plants, grains, vegetables, flowers, and grasses, and prohibiting the

adulteration thereof or selling thereof when mixed with the seeds of noxious or injurious plants or growths, and providing a penalty therefor.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Boynton: Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Bill read first time, and referred to Committee on Irrigation.

By Senator Shanahan: Senate Bill No. 1153—An Act adding a new section to the Code of Civil Procedure to be numbered 391.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 3 of Article XX thereof, relating to the oath of office of members of the Legislature, and executive and judicial officers, excepting such inferior officers as may be by law exempt.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1155—An Act entitled "An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1156—An Act to amend Sections 1292, 1293, and 1296 of the Political Code of the State of California, relating to election returns for United States Senator in Congress, Governor and Lieutenant Governor.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1157—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as Section 1197a, relating to the printing of names upon the official ballot of candidates for the office of United States Senator in Congress.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1158—An Act to amend Sections 2, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator" (approved March 24, 1909).

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park, in Santa Cruz County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1161—An Act to add a new section to the Political Code to be known as section five hundred ninety-four *b* thereof, relating to the conditions upon which bonding, surety, or fidelity business may be transacted in this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1162—An Act to amend Sections 1758 and 1759 of the Political Code of the State of California, providing for payment of tuition of pupils in one county attending high school in another county.

Bill read first time, and referred to Committee on Education.

By Senator Burnett: Senate Bill No. 1163—An Act to amend Section 1767 of the Code of Civil Procedure of the State of California, stating the definition of "incompetent," "mentally incompetent," and "incapable."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California by adding to said article a new section to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Senate constitutional amendment referred to Committee on Corporations.

By Senator Campbell: Senate Bill No. 1164—An Act to amend Section 69 of the Civil Code, relating to marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bryant: Senate Bill No. 1165—An Act to amend Section 10, Paragraph 3 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1166—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1167—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1168—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1169—An Act to amend Section 791 of the Political Code of the State of California, relative to notaries public.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to have Senate Bill No. 736 taken up out of order, for the purpose of amendment.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

During second reading of the bill, the following amendment was submitted by committee:

On page 1 insert a new section to read as follows:
"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

At twelve o'clock M., on motion of Senator Boynton, the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. A. E. Boynton, President pro. tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber was unanimously extended to Professor W. F. Turner, Olive R. Trowbridge, Eva M. Carpenter, Norma C. Merrill, Sarah E. Fairchilds, Lucetta Swift, Florence Swift, Ethel Mack, Lula Fairchilds, R. O. Bagley, A. Marre, P. Stewart, Ida Smith, Oliva McPherson, Eunice C. Yager, Alma Smith, Leona G. Haile, Daniel Stewart, and Erwin Perkins, of the class in civics of the Ione high school.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. L. Swift, Mrs. G. J. Yager, Frederick Grover, Herbert Fairchilds, and E. G. Amids, of Ione.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills.

Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Also: Senate Bill No. 422—An Act to amend Section 1935a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Also: Senate Bill No. 437—An Act to amend section and chapters two, thirteen and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Also: Senate Bill No. 438—An Act to amend section and chapters two, thirteen and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value for goods, chattels, and interests as against the owners of prior unrecorded deeds and mortgages.

Also: Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also: Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Also: Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred to the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, board of rules of evidence and defining rules, defining their compensation, and providing a special fund, and providing for the licensing of plumbers.

Also: Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and entitled Section 2185c, relating to arrest, hearing, and commitment of paupers and their transfer to a state hospital for the insane.

Also: Senate Bill No. 723—An Act amending section one hundred seventy one of the Penal Code of California.

Also: Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of houses and public buildings, hereby empowering the State Board of Health to make rules and regulations to enforce thereto and providing penalties for the violation thereof.

Also: Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also: Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California, and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 777—An Act legalizing the formation and organization of Reclamation District number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Also: Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 298, 299, 300, 418, 422, 437, 438, 557, 665, 687, 716, 721, 723, 773, 775, 776, 777, 785, and 356 ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

On motion of Senator Thompson, Assembly Bill No. 171 was temporarily passed on file, to retain its place.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 62 was temporarily passed on file, to retain its place.

Assembly Joint Resolution No. 1—Relating to the defense of the Pacific seaboard by the National Government.

The following amendment to Assembly Joint Resolution No. 1 was submitted by committee:

On page 2, line 23, strike out the word "instructed", and insert in lieu thereof the word: "requested".

Amendment adopted.

Assembly Joint Resolution No. 1 ordered to print, and on file.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 68 finally passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Martinelli, Regan, Roseberry, Sanford, Shanahan, Tyrrell, and Walker—26.

NOES—Senators Black, Larkins, Thompson, and Wolfe—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Walker: Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Curtin: Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises of bequests by will.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred and fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

Senate concurrent resolution referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts, and places forming the exterior boundaries of any municipality, whether partly or wholly, within or without said boundaries, and providing for the construction of sewers, drains, and sidewalks thereon and in connection therewith.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1174—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10*d* thereof relative to probation officer and assistant probation officer in counties of the fourth class, and fixing the salaries of said officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 1176—An Act to amend Section 648*a* of the Civil Code, relative to building and loan associations.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 1177—An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof, the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1178—An Act to amend section two of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary

liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." approved March 21, 1905, relating to and providing for the appointment, salary, term of office, and qualification of two commissioners to be known as Building and Loan Commissioners, and also providing for the appointment by them of a secretary, and prescribing his duties.

Bill read first time, and referred to Committee on Banking.

By Senator Campbell (by request): Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 1180—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-fifth class.

Bill read first time, and referred to Committee on County Government.

By Senator Finn: Senate Bill No. 1181—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor, and providing an appropriation to carry the Act into effect.

Bill read first time, and referred to Committee on Finance.

By Senator Hewitt: Senate Bill No. 1182—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Bill read first time, and referred to Committee on Judiciary.

By Senator Regan: Senate Bill No. 1183—An Act to amend Section 1618 of the Code of Civil Procedure of California, relating to the salaries of administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bryant: Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Bill read first time, and referred to Committee on Education.

By Senator Cutten: Senate Bill No. 1185—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from State or county fish hatcheries.

Also: Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 620, 620a and 620b, regulating the business of wholesale dealers in fish and in wild game and animals, and providing for a record of transactions therein.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 529 and 743 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911

MR. PRESIDENT: Your Committee on Engraving and Printing have examined Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment—and report that the same has been correctly re-engrossed.

CASSIDY, Chairman.

Senate Bill No. 52 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 10, 1911

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers, and conduits and all necessary equipment, and to make appropriation for the same.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Also: Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 30—An Act to appropriate money to erect, construct, and equip an assembly hall at the San Jose State Normal School.

Also: Senate Bill No. 436—An Act making an appropriation for the furnishing and equipment of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also: Senate Bill No. 432—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of Mendocino State Hospital.

Also: Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor of the State of California, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 516, 514, 74, 55, 36, 30, 436, 432, 416, 576, 585, 367, 365, 431, and 558 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor do pass.

CUTTEN, Chairman.

Senate Bill No. 260 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 468—An Act to amend section seven hundred and thirty-nine of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 468 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred the following Senate bills from the Committee on Public Buildings and Grounds:

Senate Bill No. 661—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bills Nos. 661, 658, 659, and 379 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred the following Senate bills from the Committee on Prisons and Reformatories:

Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 368—An Act appropriating money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bills Nos. 363, 368, 370, and 371 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred the following Senate bills from the Committee on Hospitals and Asylums:

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, well and necessary piping to connect wells with building and to conduct water about the grounds, and to make appropriation for the same.

Also: Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bills Nos. 73, 513, 518, 520, and 433 ordered on file for second reading.

SENATOR ESTUDILLO IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER—(RESUMED).

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1966, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

BEBAN, Chairman.

Senate Bill No. 769 ordered on file for second reading.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 741—An Act establishing, and fixing, and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 741 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MARTINELLI, Chairman.

Senate Bill No. 616 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Sewing and Overflowed Lands, to whom was referred Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one, and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman.

Senate Bill No. 644 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Regan, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to your honorable body Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910—as per your request.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 5 ordered re-referred to Committee on Engrossment and Enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Also: Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

Also: Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one a, relating to filing a copy of printed notice to creditors.

Also: Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Also: Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Also: Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Also: Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled, "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Also: Assembly Bill No. 662—An Act to amend Section 531 of the Political Code relating to the duties of the Superintendent of State Printing.

Also: Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Also: Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the State prisons of this State and to provide for the disposition of the products of their skill and labor.

Also: Senate Bill No. 220—An Act to amend Section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

L. B. MALLORY, Chief Clerk of the Assembly.

Assembly Bills Nos. 195, 248, 290, 355, 381, 571, 643, 663, 667, and 888 read first time.

Assembly Bill No. 195 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 248 ordered referred to Committee on Capital, Labor and Immigration.

Assembly Bills Nos. 290, 381, 643, and 663 ordered referred to Committee on Judiciary.

Assembly Bill No. 355 ordered re-referred to Committee on Corporations.

Assembly Bill No. 571 ordered referred to Committee on Education.

Assembly Bill No. 667 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 888 ordered re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 220 ordered to enrollment.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 807—An Act entitled an Act to amend Section 775 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation and providing for the payment thereof.

During the second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the words "For the period of four years from the date of his appointment, unless sooner removed by the Governor" and insert in lieu thereof the following: "at the pleasure of the Governor".

Amendment adopted.

Bill read second time, and ordered to print, and on file for third reading.

QUESTION OF PERSONAL PRIVILEGE.

Senator Sanford arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: In making the motion this morning to force the Committee on Federal Relations to report Senate Joint Resolution No. 12 to this House immediately, I meant no reflection on the committee. I did not think it necessary to appear before the committee as I previously requested a report, and asked the chairman to report it out without waiting for me to appear before the committee. The committee said that it was their rule not to report a measure out of committee unless the author appeared to explain the bill. I desired to call the attention of the Senate to the fact that on February 3d I introduced Senate Joint Resolution No. 15, and that on February 9th the Committee on Federal Relations reported this resolution out with a favorable report, and I never appeared before the committee in behalf of it. All this goes to show the subterfuge behind which the committee was hiding, and also proves the correctness of my position. It was "politics" purely, and the "big stick" that has prevented a report on the measure.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Haas asked for, and was granted, unanimous consent to withdraw Senate Bill No. 406—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Senate Bill No. 406 withdrawn, and ordered stricken from the file.

LEAVES OF ABSENCE.

Senator Walker was, on motion of Senator Campbell, granted leave of absence until Monday, February 13, 1911.

Senator Hare was, on motion of Senator Caminetti, granted leave of absence until Monday, February 13, 1911.

THIRD READING OF SENATE BILLS (OUT OF ORDER) — (RESUMED).

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Senate Bill No. 350 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

On motion of Senator Cassidy, Senate Bill No. 190 was temporarily passed on file, to retain its place.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Senate Bill No. 646 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Senate Bill No. 647 was temporarily passed on file, in the absence of the author, to retain its place.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding

six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 540 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrolment have examined Senate Bill No. 742—An Act to regulate the commerce of shooting in fish and in wild game and animals by wholesale for profit and to provide therefor, measures for the propagation and restoration of fish and game in the State of California—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 742 ordered on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS (OUT OF ORDER)—(RESUMED)

Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Lar-kins, Martinelli, Regan, Sanford, Shanahan, Stetson, and Thompson—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment.

On motion of Senator Campbell, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22 1909.

On motion of Senator Holohan, Senate Bill No. 531 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Stetson, the second-reading file of Senate bills was taken up.

Senate Bill No. 251.—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 520.—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 109.—An Act to declare the Sonora and Mono road, in Tuolumne County, a state highway.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 31.—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures, and defining the powers and duties of such officers.

Senate Bill No. 31 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 116.—An Act to add a new section to the Political Code to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 2, line 1, strike out all of "Section 2".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 457.—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 685.—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 552.—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music, and advertising purposes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "felony", and insert in lieu thereof the word "misdemeanor", and strike out rest of section.

Amendment adopted.

Also:

On page 1, Section 2, strike out the whole section.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 673—An Act to regulate bakeries or bakeshops, prohibiting the use of cellars or basements for the manufacture of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 2, strike out the words after the word "goods", and insert in lieu thereof the following: "other than those now in use for such purposes".

Amendment adopted.

Also:

On page 2, Section 3, line 3, after the word "dollars," insert the following: "or imprisonment for not more than five days".

Amendment adopted.

Also:

On page 2, Section 3, line 4, strike out the word "imprisonment", and insert in lieu thereof the word "imprisoned".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

During second reading of the bill, the following amendments were submitted by the committee:

On page 2, Section 1, line 13, strike out the words "mileage and expenses", and insert in lieu thereof the following: "traveling and other necessary expenses incurred in the performance of their duties".

Amendment adopted.

Also:

On page 4, Section 10, lines 2, 3, and 4, strike out the words ", and punishable by a fine of not less than fifty, nor more than one hundred dollars for each offense", and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145, and 1216 of said Political Code and by adding to said Political Code three new sections to be known and numbered as Sections 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 5, of the title, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 1, line 6 of the title, strike out the words "and section 1143a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 2, line 32, strike out the words "cities or".

Amendment adopted.

Also:

On page 2, line 37, strike out the words "city or".

Amendment adopted.

Also:

On page 2, Section 1, line 45, after the word "section," insert the words: "or who furnishes a false list of such lodges,".

Amendment adopted.

Also:

On page 3, Section 2, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 5, line 70, before the word "in", insert the figure "5".

Amendment adopted.

Also:

On page 5, Section 3, line 4, strike out the word "Section".

Amendment adopted.

Also:

On page 6, Section 4, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 6, Section 5, strike out the entire section.

Amendment adopted.

Also:

On page 6, Section 6, line 1, strike out the words "Sec. 6", and insert in lieu thereof the following: "Sec. 5."

Amendment adopted.

Also:

On page 6, Section 6, line 3, strike out the word "Section," before the figure "1145".

Amendment adopted.

Also:

On page 7, Section 7, line 1, strike out the words "Sec. 7", and insert in lieu thereof the following: "Sec. 6."

Amendment adopted.

Also:

On page 7, Section 7, line 4, strike out the word "Section."

Amendment adopted.

Also:

On page 7, Section 8, line 1, strike out the words "Sec. 8", and insert in lieu thereof the following: "Sec. 7."

Amendment adopted.

Also:

On page 7, Section 8, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 8, Section 9, strike out the entire section.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Senate Bill No. 774 for consideration out of order, for the purpose of amendment.

Senate Bill No. 774—An Act providing for the time of payment of wages.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Curtin as a special committee of one, to amend as follows:

Insert after Sec. 2 the following:

"Sec. 3. Any person, firm, or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 774, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—[OUT OF ORDER.]

By Senator Stetson: Senate Bill No. 1186—An Act to amend "An Act concerning dependent and delinquent minor children: providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment, and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and the giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Sections 9 and 25 thereof, relating to the management and control of the "Detention Home."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1187—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10c thereof, relating to the number and salaries of probation officers and assistant probation officers in counties of the third class.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shanahan: Senate Bill No. 1189—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 17—Relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution—and report that the same has been correctly enrolled, and presented the same to the Governor on this 10th day of February, 1911, at two o'clock and thirty minutes P. M.

CASSIDY, Chairman.

MOTION.

Senator Bell moved that the Senate take a recess until February 10, 1911, at eight o'clock P. M., when the Senate shall reconvene for the sole purpose of the introduction and first reading of bills, etc.

Motion carried.

RECESS.

At three o'clock and thirty five minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. A. E. Boynton, President pro tem of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — OUT OF ORDER.

By Senator Wright: Senate Bill No. 1190—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1471, relating to estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Judiciary: Senate Bill No. 1191—An Act to add a new section to the Penal Code to be known as Section 297, relating to the duties of grand juries.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California to be known as Section 92*aa*, relating to keeping secret the proceedings of a grand jury, and prescribing punishment for persons violating the provisions of said section.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Bill read first time, and ordered on file without reference to committee.

By Senator Holohan: Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gates: Senate Bill No. 1195—An Act to amend Section 325 of the Code of Civil Procedure, relating to claim of title to land, water rights and water, based on adverse possession not founded upon a written instrument, judgment or decree.

Bill read first time, and referred to Committee on Judiciary.

By Senator Larkins: Senate Bill No. 1196—An Act to amend Section 308 of the Penal Code of the State of California, relating to selling or giving cigarettes, or tobacco and cigarette papers, and providing a penalty for violation thereof.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton (by request): Senate Bill No. 1198—An Act to amend the Civil Code of the State of California by amending Section 92 thereof, and by adding a new section to the Civil Code to be known as Section 92*r*, relating to action for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1199—An Act to create a reclamation district to be called Reclamation District No. 831, and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Cassidy: Senate Bill No. 1200—An Act granting to the city and county of San Francisco, State of California, any and all property, real, personal and mixed, in possession of the State of California and situated in the city and county of San Francisco, and under the jurisdiction and control of the State Board of Harbor Commissioners.

Bill read first time, and referred to San Francisco Delegation.

By Senator Beban: Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate constitutional amendment referred to Committee on Municipal Corporations.

By Senator Finn: Senate Bill No. 1201—An Act to amend Section 3713 of the Political Code of the State of California, relating to the levy of taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1202—An Act to provide for the appointment of a ship subsidy commission.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cartwright: Senate Bill No. 1203—An Act relating to bucket-shops, and defining the same, and to prohibit dealing in futures and gambling in the necessities of life and other commodities.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 1204—An Act to amend Sections 4, 7, and 12 of "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, and to add a new section thereto to be numbered Section 14.

Bill read first time, and referred to Committee on Corporations.

By Senator Hans: Senate Bill No. 1205—An Act to amend section two thousand one hundred and seven of the Political Code of the State of California, relating to use of armories.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Hurd: Senate Bill No. 1206—An Act to add a new section to the Code of Civil Procedure of the State of California to be designated as Section 172a, relating to appointment to office of relatives by state officers and judges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hewitt: Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 1207—An Act to declare the forfeiture of leases heretofore made by counties or municipalities of certain land

belonging to the State for failure to improve said lands in accordance with the requirements of an Act entitled "An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1208—An Act entitled "An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 1752, relating to the annexation, consolidation, and merger of union high school districts with high school districts of incorporated cities and towns."

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1209—An Act to amend section sixty-seven *a* of the Code of Civil Procedure, relating to the number of Superior Court judges, and providing for the appointment of two additional Superior Court judges in and for counties of the first class, and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1210—An Act to add a new section to the Penal Code to be numbered three hundred eighty-three *b*, relating to the feeding swill, garbage, or other refuse matter to hogs, in order to prevent the propagation of disease.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 7, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1212—An Act to add a new section to the Political Code of the State of California to be numbered three thousand six hundred and fifty and one half, relating to the duties of the county assessor.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1213—An Act to amend section four thousand one hundred thirty-seven of the Political Code, relating to the filing and indorsement of instruments, papers, and notices for record in recorders' offices.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1214—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of offices, franchises, and public rights.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1215—An Act to provide a method of assessment and collection of all taxes, uniform forms of accounts and uniform tax bills, and a system of payments of taxes, by discount and penalties.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1216—An Act authorizing any city and county, incorporated city, or town to require persons, firms, or private corpora-

tions owning or operating public utilities of the same class therein to interchange the services furnished thereby.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be known and designated as Sections 54 and 55, relating to proceedings to effect local improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hurd: Senate Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that lands belonging to the United States in the State of California, now and hereafter withdrawn from entry, leased, rented, or contracted out by the United States, for forest reserves, water power purposes, oil, oil mining, coal, coal mining, or any purpose other than public governmental purpose, shall be subject to taxation, and to that end amending section one of article thirteen of the Constitution of the State of California.

Senate constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Burnett (by request): Senate Bill No. 1218—An Act to amend Section 1737 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1219—An Act to regulate the employment of females in public places.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 1220—An Act to amend Section 1475 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Campbell: Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof to be numbered Section 4½, in relation to the establishment of a state commerce court.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 1222—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code of the State of California, relating to dissolution of marriage and legal separation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Juillard: Senate Bill No. 1223—An Act to amend Section 2651 of the Political Code, relating to highway taxes.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1224—An Act to amend the Political Code by adding a new section thereto to be numbered 2648, relating to the organization, government, operation, and dissolution of special road districts.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1225—An Act to provide for the organization, government, operation, and dissolution of dam districts, not within the territory of incorporated cities and towns of the State, for the purpose of cleaning and deepening rivers or streams and the construction of dams, or lock dams in rivers or streams, which are not in fact navigable for commercial purposes, the regulation of property by purchase or otherwise, the levy of a special assessment, the issuance and disposal of bonds therefor, and making provision for the payment of such bonds, and the disposal of their proceeds, and to provide in other respects for the good and welfare of dam districts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1226—An Act to appropriate money for the cleaning, deepening, surveying and construction of dams or lock dams in the Russian River west of Russian, Sonoma County, State of California.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 1227—An Act providing for the purchase or acquisition of suitable lands to establish a branch state fish hatchery on or near Russian River, in Sonoma County, California, and appropriating money therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Caminetti: Senate Constitutional Amendment No. 52—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 1, of Article XVI thereof, relating to the repeal of a law creating a debt, or debts, in excess of three hundred thousand dollars and repealing and annulling an Act entitled "An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California, etc.," approved March 24, 1909, and adopted by the people at a general election held November 8, 1910.

Senate constitutional amendment referred to Committee on Roads and Highways.

Also: Senate Bill No. 1228—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 1229—An Act to amend Section 5 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

approved March 24, 1909, relating to the requirements in affidavits of candidates.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1230—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1231—An Act declaring that no debt, or debts, liability, or liabilities, has, or have been contracted or created, under, or in pursuance of, and to repeal an Act entitled "An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people."

Bill read first time, and referred to Committee on Roads and Highways.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County a state highway.

Also: Senate Bill No. 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Also: Senate Bill No. 457—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Also: Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music, and advertising purposes.

Also: Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Also: Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 109, 250, 457, 552, 685, and 874 ordered on file for third reading.

MOTION.

Senator Hewitt moved that Senate Bill No. 901 be withdrawn from the second-reading file and be re-referred to the Committee on Public Morals.

Motion carried.

Senate Bill No. 901 ordered re-referred to the Committee on Public Morals.

ADJOURNMENT.

At eight o'clock and thirty minutes P. M., on motion of Senator Bell, the Senate adjourned till Saturday, February 11, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER.

Saturday, February 11, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Cameron, Campbell, Cartwright, Cassidy, Catten, Escondido, Gates, Hewitt, Hiram, Hunt, J. L. Larkins, Regan, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Tamm, and Wright—26.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Rush was, on motion of Senator Strobbridge, granted leave of absence for this day.

Also: Senator Black was, on motion of Senator Thompson, granted leave of absence for this day.

Also: Senator Martinelli was, on motion of Senator Sanford, granted leave of absence for this day.

Also: Senator Finn was, on motion of Senator Cassidy, granted leave of absence for this day.

Also: Senator Hams was, on motion of Senator Juilliard, granted leave of absence for this day.

SUSPENSION OF RULES.

Senator Campbell moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 10, 1911, the further reading was dispensed with, on motion of Senator Thompson.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of

the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities, and the number of votes necessary to constitute a choice.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 25 ordered referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social and benevolent corporations and other corporations not organized for pecuniary profit.

Also: Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Also: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 272, 273, and 424 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Also: Assembly Bill No. 999—An Act organizing the formation and organization of reclamation district number five hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Assembly Bill No. 1000—An Act localizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Assembly Bill No. 907—An Act to provide for the cancellation of applications for new lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Also: Assembly Bill No. 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of open land, relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also: Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 382—An Act to amend Section 1190 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Also: Assembly Bill No. 388—An Act to amend Section 349a, of the Penal Code, relating to imprints, labels, trademarks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Also: Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district, or for excavating and constructing ditches or canals of such districts, or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Also: Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy, and assistants and the salaries of the deputy and assistants.

Also: Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred in the county of Contra Costa, State of California, fixing, defining, and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State, relating to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 911, 999, 1000, 907, 908, 910, 382, 388, 832, 849, and 881 read first time.

Assembly Bills Nos. 911, 907, 908, 849, 382, 910, and 388 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 832, 881, 999, and 1000 ordered referred to Committee on Drainage, Swamp, and Overflowed Lands.

SENATOR ROSEBERRY IN THE CHAIR.

At ten o'clock and fifteen minutes A. M., Senator Roseberry, of the Thirty-fifth District, in the chair.

RESOLUTIONS.

The following resolutions were offered:

By Senator Boynton:

Resolved, That a special committee of three Senators be appointed by the President of the Senate, to be known as "Committee on Introduction of Bills." All bills offered by Senators shall, before the Constitution is suspended for the purpose of introduction, be referred to said committee.

Resolution read and adopted.

Also:

By Senator Stetson:

WHEREAS, The Senate has been advised of the untimely death of William E. Dargie, a former member of this body, and a distinguished citizen of California; now, therefore, be it

Resolved, That the Senate of the State of California expresses its sincere condolence to his bereaved relatives and friends; and be it further

Resolved, That when the Senate adjourns this day it do so out of respect to the memory of William E. Dargie; that these resolutions be printed in the Journal, and that a copy duly engrossed be transmitted by the Secretary to the widow of the deceased.

Resolution read, and unanimously adopted by a standing vote.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the

State of California: providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

REGAN, Chairman.

Senate Bill No. 533 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

REBAN, Chairman.

Senate Bill No. 895 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

REBAN, Chairman.

Senate Bill No. 894 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Constitutional Amendment No. 5—A resolution to amend the Constitution of the State of California by adding a new section to be known as Section 7, of Article XI of the Constitution—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

HEWITT, Chairman.

Senate Constitutional Amendment No. 5 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five a, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight,

four thousand two hundred seventy-nine, four thousand two hundred and eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, four thousand two hundred eighty-seven, and four thousand two hundred eighty-eight of the Penal Code, and to add a new section to said Code to be numbered section four thousand two hundred eighty-nine, relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the number of members of the classification of said counties, and to provide for the appointment of magistrates, deputies, clerks, stenographers, copyists and employees of the county courts of such counties, and for the compensation of such officers, their assistants, clerks, stenographers, copyists and employees, and to repeal sections four thousand two hundred forty-three *a*, four thousand two hundred fifty-a, four thousand two hundred seventy-one *a* and four thousand two hundred eighty-one *a* of said Penal Code, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 937 ordered on file for second reading.

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 392—An Act to amend Section 1070 of the Penal Code, relating to perjury challenges to jurors, have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 392 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 704—An Act to pay the claim of Louise Ruedi against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bill No. 704 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, providing that certificates of acknowledgments of jurats attached to instruments which have been of record for more than one year shall conclusively presume to speak the truth, in favor of bona fide holders for value thereunder who have paid taxes.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also: Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also: Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during the trial of a criminal action.

Also: Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also: Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

STETSON, Chairman.

Senate Bills, Nos. 619, 385, 387, 388, 390, 391, 394, and 395 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Senate Bill No. 384—An Act to amend Section 895 of the Penal Code, and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 383, 384, 386, and 393 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures, and defining the powers and duties of such officers.

Senate Bill No. 31 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors within or contiguous to certain state buildings and grounds.

During second reading of bill, the following amendment was submitted by committee:

Amend line 3, of the title, by inserting after the word "intoxicating" a comma and the words "vinous or alcoholic".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and

conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 572—An Act to conserve the artesian and other ground waters of the State.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee districts number one, of Sutter County," approved March 20, 1874.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels, or canals into other states for use therein.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 276—An Act to amend Section 628½ of the Political Code of the State of California, relating to the protection and preservation of fish.

Senate Bill No. 276 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 635—An Act to amend Sections 628, 628½, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Senate Bill No. 635 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Senate Bill No. 47 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 2, line 6, of the printed bill, add as follows: "Of the total amount hereby appropriated twenty thousand dollars shall be available on July 1, 1911, and thirteen thousand one hundred fifteen dollars on July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty."

Amendment adopted.

Also:

Add on page 1, Section 2, line 6, of the printed bill, the following: "Of the amount hereby appropriated ten thousand dollars shall be available July 1, 1911, and ten thousand dollars July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 74—An Act to provide for the relooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 2, line 5, of the printed bill, add the following: "The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

Strike out the brackets and numerals "\$30,000]", on same line.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

During second reading of the bill, the following amendment was submitted by committee:

In Section 2, line 2, strike out, after the word "warrants", all of the words up to and inclusive of the word "board", on line 4.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 30—An Act to appropriate money to erect, construct, and equip an assembly hall at the San Jose State Normal School.

During second reading of the bill, the following amendments were submitted by committee:

Amend by striking out of title, lines 1 and 2, of printed bill, the words "construct and equip an assembly hall", and inserting in lieu thereof the following: "a building for the training department."

Amendment adopted.

Also:

Amend by striking out all after the enacting clause, and inserting in lieu thereof the following:

"Section 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of sixty thousand dollars (\$60,000.00), to erect a building for the training department at the San Jose State Normal School. Said building to be built under the direction of the State Board of Examiners."

"Sec. 2. The Controller of State is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Insert on page 1, Section 2, line 6, of the printed bill, the following: "The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

During second reading of the bill, the following amendments were submitted by committee.

On page 1, Section 1, line 1, of the printed bill, strike out all of the line after the word "of", and insert in lieu thereof the following: "four thousand dollars."

Amendment adopted.

Also:

On page 1, Section 3, line 1, of the printed bill, strike out all words after the numeral 3, and insert in lieu thereof the following: "The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats David Seannell and Dennis Sullivan shall

be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Senate Bill No. 260 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, of the printed bill, strike out the word "thirty-six", and insert in lieu thereof: "twenty-seven."

Amendment adopted.

Also:

On page 1, Section 1, line, line 8, of the printed bill, strike out the word and insert in lieu thereof: "sixteen."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor of the State of California, and to make an appropriation for the same.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "electric."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

On motion of Senator Thompson, Senate Bill No. 368 was temporarily passed on file, to retain its place.

Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

On motion of Senator Thompson, Senate Bill No. 371 was temporarily passed on file, to retain its place.

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining room of the female department at the Stockton State Hospital and connecting passageway, and to make an appropriation for the same.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells, and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and Section 3, of the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated six thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 576—An Act to provide for the erection of one group

of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 2, line 6, add the following: "The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Also:

Strike out Section 3 of bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, and insert in lieu thereof the following: "Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated, \$1,000 shall be available July 1, 1911, and \$9,000 July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, and insert in lieu thereof the following: "Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the

organization, equipment, maintenance, and government of the National Guard of the State of California.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, line 4, after the word "several" insert the word "staff".

Amendment adopted.

Also:

On page 4, Section 5, line 11, strike out the word "the", and insert in lieu thereof the word "an".

Amendment adopted.

Also:

On page 4, Section 5, line 12, strike out the word "men" and insert in lieu thereof the word "man".

Amendment adopted.

Also:

On page 4, Section 5, line 39, strike out the words "his present enlistment" and insert in lieu thereof the words "the term of enlistment in force at the time of his application for such discharge".

Amendment adopted.

Also:

On page 5, line 53, strike out the word "requesting", and insert in lieu thereof the word "for".

Amendment adopted.

Also:

On page 5, line 58, after the word "discharge" insert the words "without honor".

Amendment adopted.

Also:

On page 5, line 58, strike out the words "the last named", and insert in lieu thereof the word "such".

Amendment adopted.

Also:

On page 5, lines 68, 69, 70, and 71 strike out the words "forward all the papers in the case to the next higher authority, who, if he approve, will direct the proper officer to".

Amendment adopted.

Also:

On page 5, line 72, strike out the word "be", and insert in lieu thereof the word "will".

Amendment adopted.

Also:

On page 5, line 72, after the word "not" insert the word "be".

Amendment adopted.

Also:

On page 6, Section 7, line 3, after the word "medal" insert the words "or bar".

Amendment adopted.

Also:

On page 6, Section 7, lines 4 and 5, strike out the following: "to be determined by the commander-in-chief. Such medal or medals".

Amendment adopted.

Also:

On page 6, Section 7, line 6, strike out the word "active".

Amendment adopted.

Also:

On page 6, Section 7, line 6, strike out the word "in", and insert in lieu thereof the words "on the active list of".

Amendment adopted.

Also:

On page 6, Section 7, line 8, after the words "medals" insert the words "or bars".

Amendment adopted.

Also:

On page 6, Section 7, line 8, after the word "for" insert the word "such".

Amendment adopted.

Also:

On page 6, Section 7, line 8, after the word "medals" insert the words "or bars".

Amendment adopted.

Also:

On page 7, Section 8, line 6, after the word "and" insert the following: "if not, then such proportion of said sum as the time served bears to said year".

Amendment adopted.

Also:

On page 7, Section 8, line 9, after the word "from" insert the word "the".

Amendment adopted.

Also:

On page 7, Section 8, line 9, strike out the word "service", and insert in lieu thereof the word "list".

Amendment adopted.

Also:

On page 7, Section 9, line 27, strike out the word "uniform," and insert in lieu thereof the word "uniformed".

Amendment adopted.

Also:

On page 8, Section 9, line 38, insert a comma after the word "regiment".

Amendment adopted.

Also:

On page 8, Section 9, line 42, after the word "shall" insert the word "be".

Amendment adopted.

Also:

On page 8, Section 10, line 3, strike out the word "annual".

Amendment adopted.

Also:

On page 8, Section 10, line 4, after the word "and" insert the word "annually".

Amendment adopted.

Also:

On page 8, Section 10, line 8, strike out the word "officer", and insert in lieu thereof the word "officers".

Amendment adopted.

Also:

On page 9, Section 12, line 29, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Amendment adopted.

Also:

On page 9, Section 12, line 33, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Amendment adopted.

Also:

On page 10, line 62, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Also:

Amendment adopted.

On page 10, Section 2112, line 68, strike out the word "commissioned", and insert in lieu thereof the word "commissioned".

Amendment adopted.

Also:

On page 11, line 76, strike out the word "subsequent", and insert in lieu thereof the word "consequent".

Amendment adopted.

Also:

On page 12, line 115, beginning with the word "and" strike out the remainder of Section 12, and insert in lieu thereof the following: "The allowance for which shall be as provided for in Section 2079 of this chapter".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 616.—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 7, Section 9, strike out lines 35 to 40, inclusive, and strike out of line 41 the words: "paid out of subsequent assessments".

Amendment adopted.

Also:

On page 9, Section 12, line 16, after the word "assessment", insert the following: "If the amount of any assessment in said list shall be changed, the board of supervisors shall set a day for hearing objections to said assessment as changed, and shall give notice thereof by publication for two weeks in some newspaper published in the county. At such hearing objections in writing may be made by any person interested, and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed the board of supervisors shall proceed as before to give notice and to

hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved."

Amendment adopted.

Also:

On page 9, Section 12, line 24, insert after the word "law" the following: "except in an action commenced as hereinafter provided".

Amendment adopted.

Also:

On page 9, Section 12, line 33, insert the following: "Any person aggrieved by the decision of the board of supervisors may commence an action in the Superior Court of the county in which the greater part of said district is situated to have said assessment corrected, modified, or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect".

Amendment adopted.

Also:

On page 10, Section 15, line 16, strike out the word "September", and insert in lieu thereof the following: "January".

Amendment adopted.

Also:

On page 10, Section 15, line 19, strike out the words "one year", and insert in lieu thereof the following: "two years".

Amendment adopted.

Also:

On page 11, Section 15, line 57, strike out the words "six months", and insert in lieu thereof the following: "one year".

Amendment adopted.

Also:

On page 12, Section 15, line 17, insert the following: "Such reassessment shall be made by commissioners appointed by the board of supervisors, as provided in Section 3456 of this Code, and must be made and approved in the same manner as other assessments."

Amendment adopted.

Also:

On page 18, Section 19, line 182, after the word "bids" insert the following: "In case no bid is received and accepted as herein provided, or a sufficient amount of bonds can not be sold to carry on the work of construction as contemplated, the board of trustees of said district may enter into contracts and make contracts for constructing the reclamation works of said district, payable in said bonds, at par, and may use such bonds in payment for labor or services performed for, or materials or property furnished to, said district, for the purpose of constructing the reclamation works thereof and the expenses necessarily incident thereto; and in making such payments in bonds, the board of trustees of said district may draw orders upon the county treasurer, payable in bonds to the amount therein named, for such labor, material, or services so rendered, which orders shall be approved by the board of supervisors and thereafter be paid with bonds at par by the county treasurer, upon presentation, to the amount therein provided for, if such bonds then remaining in said treasury be sufficient to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one, and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in

the various counties of this State; for the improvement and rectification of the channels of unnavigable streams and water courses; for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 4 and 5, strike out the word "section", and insert in lieu thereof the following: "section".

Amendment adopted.

Also:

On page 2, Section 1, line 36, strike out all of line 36, and insert in lieu thereof "No. _____ Registered _____, 19____, County of _____."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 10, strike out the words "at the same time as he attends the auditor".

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the word "amounts", and insert in lieu thereof the following: "amount".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "treasurer", and insert in lieu thereof the following: "treasury".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses

or permits therefor issued and in force: making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

During second reading of the bill, the following amendments were submitted by committee:

In line 7, of Section 15, on page 6, of the printed bill, between the words "where" and "manufactured" insert the words "stored or".

Amendment adopted.

Also:

Between the fifth and sixth paragraphs of Section 6, on page 7, of the printed bill, insert another paragraph as follows:

"6th. The keeping of alcoholic liquors at wholesale storage plants, receiving orders at such plants for said liquors, and the shipping of the same therefrom: provided said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such storage plants are located".

Amendment adopted.

Also:

In line 39, of Section 16, on page 7, of the printed bill, strike out the number "6th", and insert in lieu thereof the following, "7th".

Amendment adopted.

Also:

In lines 42 and 43, of Section 16, on page 7, of the printed bill, strike out the words "to any person or place".

Amendment adopted.

Also:

In line 45, of Section 16, on page 7, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

In line 45, of Section 16, on page 7, of the printed bill, strike out the words "*provided, further*, that such deliveries are", and insert in lieu thereof the following: "are not delivered to any person or place in such territory within said county except as follows: (a) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors; (b) to wholesale storage plants from which such liquors are not delivered to any person or place in no-license territory within the county in which such plants are located; (c) to bona fide heads of households at their permanent residences; (d) to regularly licensed pharmacists at their places of business".

Amendment adopted.

Also:

In Section 16, on pages 7 and 8, of the printed bill, strike out lines 46, 47, and 48.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 559—An Act to create a reclamation district to be called Reclamation District No. 900, and providing for the control and management thereof.

During the second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 2, line 5, strike out the words at the end of Section 2, and insert the following: "*Provided*, that the center of the crown of the northern levee of said district shall not, without the consent of the Southern Pacific Company, be constructed nearer than 300 feet from the center line of the Southern Pacific railroad track at the point opposite the southern end of the west levee of Reclamation

District No. 537 as the same now exists, and the center of the crown of said levee shall not, without the consent of the Southern Pacific Company, be constructed nearer than 1,000 feet from the center line of said railroad track where said track crosses the east boundary of township 9 north, range 3 east, M. D. R. & M.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part of materials made of secondhand or cast off clothing, rags, or cast off, or second hand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 741—An Act establishing, and fixing, and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Bill read second time, and ordered on file for third reading.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Curtin, the hour of recess was extended fifteen minutes.

SENATE JOINT RESOLUTION OFFERED—(OUT OF ORDER).

Senator Sanford offered, and sent to the desk for introduction, a joint resolution.

POINT OF ORDER.

Senator Boynton raised the point of order that under Rule 28 of the Standing Rules of the Senate for the thirty-ninth session no bill, joint or concurrent resolution shall be introduced in the Senate forty days after the commencement of the session without the consent of three fourths of the members thereof.

POINT OF ORDER SUSTAINED.

The acting President ruled the point of order well taken.

APPEAL FROM RULING OF THE ACTING PRESIDENT.

Senator Caminetti appealed from the ruling of the acting President on the point of order.

SPECIAL ORDER SET.

Pending the vote on the appeal from the ruling of the acting President on the point of order, Senator Stetson moved that the further consideration of the appeal from the ruling of the acting President on

the point of order be made a special order for Monday, February 13, 1911, immediately after the reading of the Journal.

Motion carried.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned until Monday, February 13, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 13, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators. Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Barnett, Cannanetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Stebbins, Thompson, Tyrrell, Wolfe, and Wright. 37.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence until Wednesday, February 15, 1911.

Senator Bills was, on motion of Senator Campbell, granted leave of absence for this day.

Senator Walker was, on motion of Senator Campbell, granted leave of absence for this day.

Senator Finn was, on motion of Senator Regan, granted leave of absence for the forenoon of this day.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, February 11, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge David Wallace, Sheriff W. J. Nesbitt, Deputy Sheriff A. J. Sterling, and District Attorney F. W. Sargent, all of Salinas.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Wm. M. Bowen of Los Angeles.

On request of Senator Hewitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to E. O. Edgerton and John W. Sheruk of Los Angeles.

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Jas. A. B. Scherer of Pasadena.

REPORTS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also Senate Joint Resolution No. 13—Relative to aid from the government of the United States for industrial education, and the inauguration and establishment of a national university and department of education.

Also: Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Also: Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Also: Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 251, 112, 477, 505, and 688 ordered on file for third reading.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city, at a special municipal election held therein for that purpose on the 8th day of December, 1910—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 5 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of February, 1911, at three o'clock P. M.

CASSIDY, Chairman.

SENATOR ROSEBERRY IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator Roseberry, of the Thirty-third District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the appeal by Senator Caminetti from the ruling of the acting President, on the point of order, that under Rule 28 of the Standing Rules of the Senate for the thirty-ninth session no bill, joint or concurrent resolution shall be introduced in the Senate forty days after the commencement of the session without the consent of three fourths of the members thereof — the same was taken up for consideration.

MOTION TO LAY ON THE TABLE.

Senator Boynton moved that the further consideration of the appeal from the ruling of the chair be laid on the table.

Motion duly seconded.

POINT OF ORDER.

Senator Curtin raised the point of order that a motion to lay on the table an appeal from the ruling of the acting President can not be sustained.

POINT OF ORDER OVERRULED.

The acting President ruled the point of order raised by Senator Curtin not well taken.

The question being on the motion of Senator Boynton to lay on the table the appeal by Senator Caminetti from the ruling of the acting President on the point of order, that under Rule 28 of the Standing Rules of the Senate for the thirty-ninth session no bill, joint or concurrent resolution shall be introduced in the Senate forty days after the commencement of the session without the consent of three fourths of the members thereof.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and twenty minutes A. M. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

RESOLUTION.

A resolution was introduced:

By Senator Sanford:

MOTION.

Pending the reading of the resolution, Senator Roseberry moved to dispense with the further reading of the resolution.

Motion duly seconded.

POINT OF ORDER.

Senator Curtin raised the point of order that every resolution offered by a Senator must be read in full.

POINT OF ORDER OVERRULED.

The President pro tem. ruled the point of order, raised by Senator Curtin, not well taken.

POINT OF ORDER

Senator Sanford raised the point of order that every resolution offered by a Senator must be printed in the Journal.

POINT OF ORDER OVERRULED

The President pro tem. ruled the point of order, raised by Senator Sanford, not well taken.

The question being on the motion of Senator Roscherry to dispense with the further reading of the resolution.

Motion carried.

MOTION

Senator Stetson moved to refer the resolution to the Committee on Federal Relations.

Motion carried.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, FEBRUARY 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manureal purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Also: Senate Bill No. 876—An Act to amend Section 1303 of the Code of Civil Procedure, relating to the notice of petition for probate of will.

Also: Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Also: Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Also: Senate Bill No. 879—An Act to add a new section to the Code of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Also: Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Also: Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653c, relating to black-listing.

Also: Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for the purposes other than pecuniary profit.

Also: Senate Bill No. 596—An Act to require corporations and their officers to permit the Attorney General or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases, making failure to comply with this Act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith and fixing venue.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 799 and 604 ordered on file for second reading.

Senate Bills Nos. 870, 876, 877, 878, 879, 911, 745, 909, and 596 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure relating to the issuance of execution after five years—have had the same under consideration, and respectfully report the same back and recommend that the same do not pass.

STETSON, Chairman.

Assembly Bill No. 473 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three-fourths—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on Education.

STETSON, Chairman.

Senate Bill No. 691 ordered re-referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on County Government.

STETSON, Chairman.

Senate Bill No. 490 ordered re-referred to Committee on County Government.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California relating to the appointment of guardians of insane and other incompetent persons.

Also: Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 910, 550 and 927 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 788 ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

On motion of Senator Campbell, Senate Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Senate Bill No. 350—An Act to amend Sections 626 and 631*a* of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

On motion of Senator Strobridge, Senate Bill No. 350 was passed, to be placed at the foot of the file.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

On motion of Senator Cassidy, Senate Bill No. 190 was temporarily passed on file, to retain its place.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183*b* and Section 1183*c*, relating to liens of mechanics and others.

Senate Bill No. 646 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Senate Bill No. 647 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255*a*, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Larkins, Lewis, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

On motion of Senator Holohan, Senate Bill No. 531 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 261—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems of modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act, which section shall be numbered 13*a*, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted

in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine, and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section Section 13a hereby added thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 261 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

On motion of Senator Thompson, Senate Bill No. 643 was temporarily passed on file, to retain its place.

Senate Bill No. 556—An Act to amend the Code of Civil Procedure, by adding a new section thereto to be numbered eighteen hundred seventy and one-half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

On motion of Senator Estudillo, Senate Bill No. 653 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate constitutional amendment read.

On motion of Senator Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Also: Senate Bill No. 72—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Also: Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Also: Senate Bill No. 543—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department of the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 548—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department of the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the creation of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Also: Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases, to the purchasers of state salt marsh and salt lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Also: Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one, and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of navigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 672—An Act to increase the number of judges of the superior court of the county of Kern, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Also: Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Also: Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for

the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Also: Senate Bill No. 922: An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 711, 73, 363, 370, 379, 433, 468, 513, 518, 520, 571, 644, 658, 659, 661, 672, 674, 731, 917 and 922 ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

On motion of Senator Sanford, Senate Bill No. 158 was temporarily passed on file, to retain its place.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

On motion of Senator Finn, Senate Bill No. 456 was temporarily passed on file, to retain its place.

SENATOR CAMPBELL IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Campbell, of the Thirty-first District, in the chair.

SUSPENSION OF RULES.

Senator Martinelli moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Read third time.

On motion of Senator Birdsall, Senate Bill No. 529 was temporarily passed on file, to retain its place.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Boynton:

Resolved, That debate on all subjects before the Senate shall be limited to five minutes for any Senator, *provided, however*, that the author of a bill, motion or resolution, shall have five minutes in opening and five minutes in closing the debate; *and provided further*, that this rule may be suspended temporarily, at any time, by unanimous consent without motion, or upon motion by a majority vote.

Resolution read, and adopted.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 12, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 881, An Act legitimizing the formation and organization of reclamation district number three hundred eighty-four in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Also, Assembly Bill No. 999, An Act legitimizing the formation and organization of reclamation district number five hundred forty-eight in the county of San Joaquin, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Also, Assembly Bill No. 1000, An Act legitimizing the formation and organization of reclamation district number three hundred forty-eight in the county of San Joaquin, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bills Nos. 881, 999 and 1000 ordered on file for second reading.

RESOLUTION—OUT OF ORDER

The following resolution was introduced:

By Senator Strobridge:

Resolved, That the State Printer be, and he is hereby, instructed to print five hundred extra copies of Senate Bill No. 918.

Resolution read, and ordered referred to Committee on Printing.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Hurd, the hour of recess was extended five minutes.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 682, An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

Also, Senate Bill No. 792, An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HURD, Chairman.

Senate Bills Nos. 682 and 792 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 896, An Act to amend sections one, two, fourteen and fif-

teen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 896 and 900 ordered on file for second reading

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WRIGHT, Chairman

Senate Joint Resolution No. 16 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 12—Relative to the exclusion of Asiatic immigration—have had the same under consideration, and respectfully report the same back with the recommendation that the following resolution be substituted therefor.

WRIGHT, Chairman

Senate Joint Resolution No. 12 ordered on file.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Bell, the acting President pro tem., declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626*g* thereof relating to tree squirrels.

Read third time.

On motion of Senator Sanford, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 171 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cammett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Read third time previously.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 62 finally passed by the following vote:

AYES. Senators Avey, Bell, Bredfall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estabille, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Rush, Sanford, Stetson, Thompson, Tyrrell, Welch, and Wright—30.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES. Senators Avey, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estabille, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—28.

NOES. None.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 finally passed by the following vote:

AYES. Senators Avey, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estabille, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, (and providing for the payment thereof).

On motion of Senator Curtin, Assembly Bill No. 269 was re-referred to the Committee on Finance, to retain its place on the file.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with

which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act, by the Commissioner of the Bureau of Labor Statistics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 547 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—43.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 finally passed by the following vote:

AYES—Senators Avey, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, and Wright—31.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third reading of Senate bills was taken up, out of order.

Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 742 passed by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—32.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions therein.

Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Bryant, Caspell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hays, Howe, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrell, Welch, and Wright—40.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 356 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Bryant, Caspell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hays, Howe, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Welch, and Wright—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Cutten asked for and was granted unanimous consent to withdraw Senate Bill No. 485—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907.

Senate Bill No. 485 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—OUT OF ORDER—RESUMED.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Read third time.

On motion of Senator Cutten, Senate Bill No. 488 was temporarily passed on file, to retain its place.

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

On motion of Senator Martinelli, Senate Bill No. 714 was temporarily passed on file, to retain its place.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

On motion of Senator Martinelli, Senate Bill No. 713 was temporarily passed on file, to retain its place.

Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, and Tyrrell—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 13—Relative to aid from the Government of the United States for industrial education and the inauguration and establishment of a national university and department of education.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, and Welch—31.

NOES—None.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Larkins asked for, and was granted unanimous consent to withdraw Senate Bill No. 507—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Senate Bill No. 507 withdrawn and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

On motion of Senator Finn, Senate Bill No. 160 was passed, to be placed at the foot of the file.

Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate, and approve certain bonds authorized by such school districts.

On motion of Senator Estudillo, Senate Bill No. 664 was temporarily passed on file, to retain its place.

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Estudillo moved a call of the Senate.

Motion carried.

Time, two o'clock and fifty-five minutes P. M.

The President pro tem. directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Estudillo.

The roll of absentees was called.

SENATOR EXCUSED FROM VOTING.

Senator Wright asked for, and was granted, unanimous consent to be excused from voting on Senate Bill No. 112.

Whereupon the President pro tem. announced that Senate Bill No. 112 was refused passage by the following vote:

AYES—Senators Avey, Black, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hewitt, Hurd, Regan, Roseberry, Shanahan, and Welch—16.

NOES—Senators Bell, Birdsall, Boynton, Bryant, Cartwright, Estudillo, Hans, Holohan, Juilliard, Larkins, Lewis, Martinelli, Rush, Sanford, Stetson, Strobbridge, Thompson, and Tyrrell—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Estudillo gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 112 was this day refused passage.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. C. Loomis and John S. Mitchell, both of Los Angeles.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. J. Wade and J. M. Hunter, both of Los Angeles.

On request of Senator Hewitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to G. H. Hart and George Krapp, both of Los Angeles.

On request of Senator Black, the privilege of the floor of the Senate

Chamber, for this day, was unanimously extended to Frank H. Benson of San Jose.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon J. K. Burnett of San Luis Obispo.

THIRD READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 711 passed by the following vote:

AYES. Senators Avery, Bell, Binsell, Black, Boynton, Bryant, Canabos, Carr, Wright, Cassidy, Curtin, Cutton, Finn, Gates, Hanes, Hane, Hewitt, Holman, Hunt, Juilliard, Larkins, Lewis, Martinelli, Regan, Rescherry, Sanford, Shattuck, Smith, Strohbridge, Thompson, Tyrrell, Welch, and Wright—32.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Finn asked for, and was granted, unanimous consent to take up Senate Bill No. 456 for consideration, for the purpose of amendment.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Finn moved to refer to Senator Cutton, as a special committee of one, to amend as follows:

On page 1, Section 1, line 1 of the printed bill, add after the numeral 1, the following:

"Section 632½ of the Penal Code of the State of California, is hereby amended to read as follows:"

Also: On page 1, Section 1, line 1, of the printed bill, insert before the word "every", the numerals "632½".

Also: On page 2, Section 1, line 23 of the printed bill, strike out the period, and insert in lieu thereof a semicolon and following: "provided, that it shall be lawful to take, catch, kill and have in possession any steelhead trout taken in tide water, with gill nets, the meshes of which, are when drawn closely together and measured inside to knot, six and one half or more inches in length, between the twenty-third day of October and the first day of February of the year following."

Also: On page 2, Section 2, line 1 of the printed bill, strike out the following: "Sec. 2."

Also: Strike out all the rest of the printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Special Committee of One, to whom was referred Senate Bill No. 456, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 529 for consideration, for the purpose of amendment.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Read third time previously.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of title, the words "fish hatcheries."

Also: By striking out the word "from", in line 2 of the title, and inserting in lieu thereof the word "by".

Also: On page 1, Section 1, line 2, of the printed bill, insert after the word "fish", the words "with hook and line."

Also: By inserting after the word "streams" in line 5, the following: "completely along the banks of such streams."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Special Committee of One, to whom was referred Senate Bill No. 529, with instructions to amend, respectfully reports the same now amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to John W. Rogers, of San Francisco.

THIRD READING OF SENATE BILLS—(OUT OF ORDER)—RESUMED.

Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 477 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rusi, Shanahan, Steason, Strobbridge, Thompson, Tyrrell, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered 1057½, relating to justification by corporate surety on bonds or undertakings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners or prior unrecorded deeds and incumbrances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 438 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 775 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobidge, Thompson, Welch, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 557 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER)

The following resolution was introduced at three o'clock and thirty minutes P. M.

By Senator Bryant:

Resolved, That the Senate do now suspend proceedings, and remain seated for the space of five minutes, in honor and commemoration of the memory of Abraham Lincoln, ex President of the United States, today being the one hundred and first anniversary of his birth.

Resolution read and unanimously adopted by a standing vote.

AT THREE O'CLOCK AND THIRTY-FIVE MINUTES P. M.—THIRD READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 437 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, and Welch—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR STETSON IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

THIRD READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hale moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By inserting in Section 2, line 1, after the word "hereof", the following: "con- sidered or opened for business one year after the passage of this Act".

Also, By striking out of Section 2, line 2, the word "shoes" of sufficient width and length to reach the entire width and length of the bed, with the words "shoes to be not less than 9 feet in length, and insert in lieu thereof the following: "not less than 90 inches in length, and not less than 81 inches in width."

Also, By striking out of Section 7, line 6, the word "the", and inserting in lieu thereof the following: "said".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 773, and amendments to same, respectfully submits the same back, amended as per instructions and recommendations that the amendments be adopted.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund; and providing for the licensing of plumbers.

Read third time.

On motion of Senator Fann, Senate Bill No. 716 was temporarily passed on file, to retain its place.

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

On motion of Senator Estudillo, Senate Bill No. 665 was temporarily passed on file, to retain its place.

Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 687 was temporarily passed on file, to retain its place.

Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 777 was temporarily passed on file, to retain its place.

Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and con-

trol subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 776 was temporarily passed on file, to retain its place.

Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitues to a state hospital for the insane.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Bell, Birdsall, Boydton, Bryant, Cammett, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Hans, Harp, Hewitt, Heidehan, Hood, Johnson, Perkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senator Sanford's Senate resolution relating to United States Senator, have had the same under consideration, and respectfully report that the same while purporting to be a Senate resolution, is in fact and substance a concurrent resolution and deals with subject-matter over which the Senate acting separately and apart from the Assembly, has absolutely no jurisdiction. Your committee further reports that in its opinion the serious consideration of this resolution, which was evidently conceived in a spirit of levity, introduced as a joke, and its adoption urged upon the ground that a little nonsense now and then is relished by the best of men, would subject the Senate to humiliation, ridicule, and just criticism. In view of these considerations your committee reports the resolution back with the recommendation that the resolution be returned to the author without being printed in the Journal, and that the Senate refuse the resolution any further consideration.

WRIGHT, Chairman.

Report read and adopted.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

RUSH, Chairman.

Senate Bill No. 718 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted by the Committee on Contingent Expenses:

WHEREAS, Money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the Mailing Clerk of the Senate, is exhausted; therefore, be it

Resolved, That the Controller be, and he is hereby, directed to draw his warrant

in favor of the Secretary of the Senate for the sum of one hundred dollars for expressage and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Cullen, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobidge, Thompson, Tyrrell, and Welch—30.

NOES—None.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second reading file of Senate bills was taken up.

Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns and incorporated cities and counties of the State of California to appoint sealers of weights and measures and defining the powers and duties of such officers.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, strike out the "title" and insert in lieu thereof the following: "An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act."

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the first word "the", insert the following: "standard of".

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out the figure "1", and insert in lieu thereof the following: "one".

Amendment adopted.

Also:

On page 3, Section 6, line 5, strike out the figure "3", and insert in lieu thereof the following: "three".

Amendment adopted.

Also:

On page 4, Section 9, line 17, strike out all after the word "sale" in said section.

Amendment adopted.

Also:

On page 5, after Section "10" of printed bill, add two new sections to read as follows:

SECTION 11. Where any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances, or accessories connected

with any or all such instruments or measurements have been tested and found correct by any sealer of weights and measures appointed under the provisions of this Act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, incorporated city, incorporated town or incorporated city and county of this state without any further test.

Any weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, and tools, appliances or accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct by the national bureau of standards, may be kept for sale, sold or offered for sale without being first tested and sealed by a sealer of weights and measures as in this Act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments or measures shall always be subject to inspection as herein provided, notwithstanding that the same have been tested and sealed either by a sealer of weights and measures appointed under the provisions of this Act or by the national bureau of standards.

Section 12. Any scale, beam or mechanical device for weighing or measuring, which after being sold and before being used for weighing, must be assembled or set up, may be sold, kept for sale, or offered for sale without being first tested and sealed as in this Act provided, but such scale, beam, or mechanical device for weighing or measuring must before being used for weighing or measuring be tested and sealed as in this Act provided.

Amendment adopted.

Also:

On page 5, Section 11, of printed bill, after the word "request" in line 12 of said section, add the following:

"Upon the written request of any person, firm or corporation, using, having the use, selling, keeping or offering for sale any weight, scale, beam, measure or any kind of instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures, in any county, incorporated city, incorporated town, or incorporated city and county in which there has been appointed a sealer of weights and measures under the provisions of this Act, the sealer of weights and measures for such county, incorporated city, incorporated town or incorporated city and county shall test or cause to be tested as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures belonging to or used by such person, firm, or corporation, providing that such written request shall not relieve the person, firm or corporation making it from any violation of the provisions of this Act or of the responsibility provided in this Act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device for measurement, tools, appliances or accessories connected with any or all such instruments or measures."

Amendment adopted.

Also:

On page 5, Section 11, line 1, strike out the figure "11", and insert in lieu thereof the figure "13".

Amendment adopted.

Also:

On page 5, Section 12, line 1, strike out the figure "12", and insert in lieu thereof the figure "14".

Amendment adopted.

Also:

On page 6, Section 13, line 1, strike out the figure "13", and insert in lieu thereof the figure "15".

Amendment adopted.

Also:

On page 6, Section 14, line 1, strike out the figure "14", and insert in lieu thereof the figure "16".

Amendment adopted.

Also:

On page 7, Section 14, line 44 of printed bill, strike out the figure "14", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Also:

On page 7, Section 15, line 1, strike out the figure "15", and insert in lieu thereof the figure "17".

Amendment adopted.

Also:

On page 8, Section 16, line 1, strike out the figures "16", and insert in lieu thereof the figures "18".

Amendment adopted.

Also:

On page 8, Section 17, line 1, strike out the figures "17", and insert in lieu thereof the figures "19".

Amendment adopted.

Also:

On page 8, Section 18, line 1, strike out the figures "18", and insert in lieu thereof the figures "20".

Amendment adopted.

Also:

On page 8, Section 19, line 1, strike out the figures "19", and insert in lieu thereof the figures "21".

Amendment adopted.

Also:

On page 8, Section 20, line 1, strike out the figures "20", and insert in lieu thereof the figures "22".

Amendment adopted.

Also:

On page 9, Section 21, of the printed bill, after the word "removal", on line 5, insert as follows:

"Any sealer who shall seal any weight, measure, balance or apparatus before first testing and making the same conform to the authorized standard, or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be deemed guilty of a misdemeanor."

Amendment adopted.

Also:

On page 9, Section 21, line 1, strike out the figures "21", and insert in lieu thereof the figures "23".

Amendment adopted.

Also:

On page 9, Section 22, line 1, strike out the figures "22", and insert in lieu thereof the figures "24".

Amendment adopted.

Also:

On page 9, Section 23, line 1, strike out the figures "23", and insert in lieu thereof the figures "25".

Amendment adopted.

Also:

On page 9, Section 24, line 1, strike out the figures "24", and insert in lieu thereof the figures "26".

Amendment adopted.

Also:

On page 9, Section 25, line 1, strike out the figures "25", and insert in lieu thereof the figures "27".

Amendment adopted.

Also:

On page 10, Section 26, line 1, strike out the figures "26", and insert in lieu thereof the figures "28".

Amendment adopted.

Also:

On page 10, after Section 26 of printed bill, add a new section to read as follows: "Sec. 29. All Acts and laws and parts of Acts and laws in conflict with the or any of the provisions of this Act are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Welch, the Secretary was directed to issue a rush order for printing Senate Bill No. 31.

SECOND READING OF SENATE BILLS—(OUT OF ORDERED)—(RESUMED).

Senate Bill No. 276—An Act to amend Section 628*b* of the Political Code of the State of California, relating to the protection and preservation of fish.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the word "January", and insert in lieu thereof the following: "March".

Amendment adopted.

Also:

On page 1, Section 1, line 5, insert after the word "sale;" the following: "takes, catches, kills, or has in his possession any black bass;".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 635—An Act to amend Sections 628, 628*a*, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, after the word "state," insert the following: "or every person who, between the 15th day of February and the 15th day of September of each year, buys, sells, takes, catches, kills or has in his possession any lobster or crawfish or who at any time has in his possession any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers,".

Amendment adopted.

Also:

On page 2, Section 1, line 26 of printed bill, strike out the words "the abalone known to commerce as".

Amendment adopted.

Also:

On page 2, Section 1, line 28, after the word "shell"; insert the following: "and the black abalone (*Haliotis cracherodii*) which shall measure not less than thirteen inches around the outer edge of the shell: *provided*, that all abalone must be brought to shore at regular landing places before being removed from the shell."

Amendment adopted.

Also:

On page 4, Section 4, line 3, strike out the word "tenth", and insert in lieu thereof the following: "seventeenth".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

MOTION.

On motion of Senator Welch, Senate Bill No. 47 was withdrawn from the file, and re-referred to Committee on Fish and Game.

Senate Bill No. 47 ordered withdrawn and re-referred to Committee on Fish and Game.

SECOND READING OF SENATE BILLS—OUT OF ORDER—RESUMED.

Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Senate Bill No. 260 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

During second reading of the bill, the following amendment was offered by Senator Thompson:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

During second reading of the bill, the following amendment was offered by Senator Thompson:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 533. An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

During second reading of the bill, the following amendments were offered by Senator Hurd, and, on motion of Senator Boynton, were ordered printed in the Journal, and Senate Bill No. 533 was temporarily passed on file, to retain its place.

PROPOSED AMENDMENTS TO SENATE BILL NO. 533

The following amendments were proposed by Senator Hurd:

AMENDMENT No. 1.

Amend Section 7, line 55, by inserting after the word "age", the following words: "Such license fee shall be good until the following first day of May when it shall expire by limitation. An annual license fee of two dollars shall thereafter be paid annually by every person practicing dentistry in this state, and it shall be the duty of said board to issue all regularly licensed dentists upon application and the payment of two dollars, if made before the expiration of the applicant's license, a new license which shall entitle said person to practice dentistry in this state for a period of one year, and which license shall expire upon the following first day of May. Said board shall have no authority to issue an annual license to any person who is not a regularly licensed dentist, and who has not paid said license fee of two dollars on or before the date when his previous license expired. Every person who was a regularly licensed dentist, and who failed to pay said annual license of two dollars before the expiration of his license, shall be considered as if no license had ever been issued to him, and before he can again practice dentistry in this state, shall make a new application therefor as in the first instance and pay the regular fee of twenty-five dollars therefor, except that he shall not be required to submit to any examination."

AMENDMENT No. 2.

Strike out of Section 13, line 7, the words "or any", and insert in lieu thereof the following: "license"

AMENDMENT No. 3.

Amend Section 13, line 11, by inserting after the word "diploma", the word "license".

AMENDMENT No. 4.

Amend Section 13, line 15, by inserting after the word "diploma", the word "license".

AMENDMENT No. 5.

Amend Section 13, line 16, by inserting after the word "diploma", the word "license".

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT, Your Committee on Engrossment and Enrollment have re-enrolled Senate Bill No. 572, An Act to conserve the artesian and underground waters of the State.

Also: Senate Bill No. 116—An Act to add a new Section to the Political Code, to be numbered Section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1095, 1100, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1195a, and Section 1072a of said Political Code, all relating to elections.

Also: Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the burial of persons of low and health, preventing the spread of contagious diseases, regulating the practice of embalming in conformity with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 673—An Act to regulate industries or businesses, prohibiting the use of cellars or basements for the manufacturing or sale of food and condiments in certain cases; providing for clean and sanitary premises of every nature used for said purpose, and of employers and employees working therein, providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this act.

Also: Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, designated to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Also: Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 572, 116, 382, 631, 673, 725, and 736 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT, Your Committee on Engrossment and Enrollment, to whom was referred Senate Bill No. 774—An Act providing for the time of payment of wages—report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 774 ordered on file for third reading.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, insert a "comma" after the word "regiment," and a "comma" after the word "battalion."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, providing that certificates of acknowledgments of jurats attached to instruments which have been of record for more than one year shall conclusively presume to speak the truth, in favor of bona fide holders for value thereunder who have paid taxes.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title line 3, after the word "right", strike out the rest of the title and insert in lieu thereof the following: "relating to certificates of acknowledgments of jurats".

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the words "interest or right" and insert in lieu thereof the following: "right or interest".

Amendment adopted.

Also:

On page 2, Section 1, line 17, strike out the words "claim interest or right" and insert in lieu thereof the following: "right or interest".

Amendment adopted.

Also:

On page 2, Section 1, line 20, after the word "thereof", insert a period and strike out the rest of line 20 and all of lines 21, 22 and 23, and insert in lieu thereof the following: "The provisions of this section shall not apply to any action or proceeding pending on the first day of March 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 385—An Act to amend Section 925 of the Penal Code relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 15 and 16, strike out the words "reduce the same upon the request of the district attorney, to longhand or typewriting" and insert in lieu thereof the following: "to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, a copy of the testimony given in his case before the grand jury, shall be served upon him within five days after the discharge of the grand jury, or if the grand jury has not been discharged, at least five days before the cause is set for trial."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "may", and insert in lieu thereof the following: "must".

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the comma after the word "cases" and the words "and none other" and insert in lieu thereof a colon.

Amendment adopted.

Also:

On page 1, Section 1, line 7, insert a comma after the word "found", also a comma after the word "indorsed".

Amendment adopted.

Also:

On page 1, Section 1, line 9, after the word "when", insert the following: "it appears by the testimony of the foreman or secretary of the grand jury that".

Amendment adopted.

Also:

On page 1, Section 1, line 12, after the word "thereon," insert a period and strike out the rest of line 12, and all of lines 13, 14, 15, and 16.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 12, before the words "the court" insert the following: "within such reasonable time as the court may fix,".

Amendment adopted.

Also:

On page 1, Section 1, line 15, strike out all of lines 15, 16, 17 and 18, and insert in lieu thereof the following: "court directs the case to be submitted to the same or another grand jury, or directs a new information to be filed; *provided*, that after such order or resubmission, the defendant may be examined before a magistrate, and discharged or committed by him, as in other cases."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 21, after the words "also that", insert the following: "in the case of offenses hereafter committed".

Amendment adopted.

Also:

On page 2, Section 1, line 22, after the word "testimony", insert the following: "on behalf of the people or the defendant".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during the trial of a criminal action.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the words "of the county", and insert in lieu thereof the following "in and for the county, or city and county, in each the case is pending".

Amendment adopted.

Also:

On page 1, Section 1, line 10, after the word "court", strike out the word "of", and insert in lieu thereof the following "from".

Amendment adopted.

Also:

On page 1, Section 1, lines 15, 16, and 17, strike out the following "If the judge before whom the trial was commenced, by written order, directs it to be adjourned to some date certain, fixed in said order, it shall be so adjourned."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, after the word "numbered", insert the word "section".

Amendment adopted.

Also:

On page 1, Section 1, line 3, after the word "person", insert the word "hereafter".

Amendment adopted.

Also:

On page 1, Section 1, line 16, after the word "any", insert the word "criminal".

Amendment adopted.

Also:

On page 1, Section 1, line 17, strike out the comma after the letters "ceeding" and also strike out the following: "civil or criminal."

Amendment adopted.

Also:

On page 2, Section 1, line 19, strike out the words "indictment or presentment by information" and insert in lieu thereof the following: "prosecution by indictment information, or presentment."

Amendment adopted.

Also:

On page 2, Section 1, line 24, after the word "no", insert the word "such".

Amendment adopted.

Also:

On page 2, Section 1, line 36, after the word "any", insert the word "criminal".

Amendment adopted.

Also:

On page 2, Section 1, line 37, strike out the comma after the letters "ceeding", and also strike out the following: "civil or criminal."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, after the word "numbered", insert the following: "section".

Amendment adopted.

Also:

On page 2, Section 1, line 21, strike out the period after the word "appeal", and insert in lieu thereof a comma, and add the following: "but on any appeal taken pursuant to this section the party may be admitted to bail under the provision of Section 1476 of this code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILLS.

Senator Barnett asked for, and was granted, unanimous consent to withdraw Senate Bill No. 392—An Act to amend Section 1070 of the Penal Code, relating to peremptory challenges to jurors.

Senate Bill No. 392 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code, and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Senate Bill No. 773 for consideration out of order, for the purpose of amendment.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, and empowering the State Board of Health to make

rules and regulations in relation thereto, and providing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Hare moved to refer to Senator Caminetti, as a special committee of one to amend as follows:

By striking out of Section 7, line 6, the words "once in each three months," and inserting in lieu thereof the following: "when instructed by the State Board of Health".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 773, with instructions to amend, respectfully reports the same amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

PERMISSION TO USE SENATE CHAMBER GRANTED

Senator Burnett asked for, and was granted, unanimous consent that the San Francisco Delegation be granted the use of the Senate Chamber on Thursday, February 16, 1911, at eight o'clock P. M., for a public hearing to consider Senate Bill No. 8, pertaining to the treatment of tuberculosis.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 888, An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor,

Also: Assembly Bill No. 889, An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

FINN, Chairman.

Assembly Bills Nos. 888 and 889 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the

qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 5 ordered to enrollment.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton the third reading of Senate bills was taken up, out of order.

Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Read third time.

On motion of Senator Campbell, Senate Bill No. 422, was temporarily passed on file, to retain its place.

Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 505 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Finn, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILL—(OUT OF ORDER).

Senator Hewitt asked for and was granted unanimous consent to have Senate Bill No. 937 taken up for consideration out of order.

Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two,

four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five *a*, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, and four thousand two hundred ninety of the Political Code, and to add a new section to said Code to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists, and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists, and employees, and to repeal sections four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, four thousand two hundred eighty-one *a* of said Political Code.

Bill read second time, ordered engrossed, and on file for third reading.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the consideration of Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court—heretofore set for Tuesday, February 14, 1911, immediately after the consideration of the special order heretofore set, be postponed until Thursday, February 16, 1911, immediately after the reading of the Journal.

Motion carried.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, February 14, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrell, Welch, and Wright—37.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Regan was, on motion of Senator Cassidy, granted leave of absence for this day.

Senator Walker was, on motion of Senator Bills, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 13, 1911, the further reading was dispensed with, on motion of Senator Martinelli.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. O. Hayes, of San Jose.

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. A. E. Ludwig, of San Francisco.

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. F. C. White and Hon. G. B. Graham, both of Fresno.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. B. Moffett, of Visalia.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. George A. Wentworth, of San Francisco.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. John Bermingham, of Contra Costa County.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. A. Greene, Wm. Sandholdt and Hon. J. K. Burnett, all of Monterey.

On request of Senator Hewitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Wm. A. Spaulding of Los Angeles.

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Grand Council of San Diego.

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Jas. A. B. Scherer, of Pasadena.

REPORTS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Also: Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social and benevolent corporations and other corporations not organized for pecuniary profit.

Also: Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by laws of corporations organized for purposes other than profit.

Also: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 13th day of February, 1911, at four o'clock p. m.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Senate Bill No. 384—An Act to amend Section 845 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Also: Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Also: Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also: Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Also: Senate Bill No. 489—An Act to amend Section 4693 of the Political Code of the State of California, relating to debtors of a county.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Also: Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor of the State of California, and to make an appropriation for the same.

Also: Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085 and 2112, of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 19324 and 19344, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

Also: Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 30, 36, 55, 365, 383, 384, 386, 393, 416, 431, 432, 436, 483, 489, 516, 558, 576, 585, 769, 895, 935, and 514 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the reconsideration of the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health--was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 188 was passed be postponed, and made a special order for Wednesday, February 15, 1911, immediately after the reading of the Journal.

Motion carried.

PETITIONS.

Senator Hans presented the following petition, which was ordered printed in the Journal:

PETITION ENDORSING AND RECOMMENDING THE PASSAGE OF ASSEMBLY BILL NO. 316.

WHEREAS, The construction and equipment of a state armory building in the city of Oakland for the use of the various organizations of the National Guard of the State of California stationed at or near said city would be a wise and important public enterprise.

Resolved, That the council of the city of Alameda does hereby endorse and earnestly recommend the passage of Assembly Bill No. 316, carrying an appropriation for the purpose above mentioned or the equivalent Senate bill; and that a copy

of this resolution be forwarded to the Chief Clerk of the Assembly and to the Secretary of the Senate respectively.

Adopted and passed by the council this 7th day of February, 1911.

W. H. NOY,

Presiding Officer of the Council.

Attest: F. E. BROWNING, City Clerk.

Presented to and approved by me this 7th day of February, 1911.

W. H. NOY,

Mayor of the City of Alameda.

I hereby certify that the foregoing resolution was adopted and passed by the Council of Alameda, California, in regular meeting assembled, on the 7th day of February, 1911, by the following vote: Ayes—Christensen, Kranda, Spence, Ellis, Fisher, Probst and Bullock (7). Nays—None. Absent—Councilmen Walker and Hammond (2). And I further certify that the same was presented to and approved by the Mayor on the 7th day of February, 1911.

F. E. BROWNING,

[SEAL] City Clerk of Alameda.

Senator Walker presented the following petition, which was ordered printed in the Journal:

RESOLUTION ADOPTED BY CALIFORNIA SPORTSMEN'S GAME PROTECTION ASSOCIATION, FEBRUARY 7, 1911.

To the Senate of California:

WHEREAS, The bill before the Legislature of the State of California fixing the bag limit on wild ducks at twenty-five per day or fifty per week, is but a revival of the fifty duck bag limit designed to stop the slaughter of game by the market hunter, while promoting the Sunday slaughter of game by the weekend hunter; and

WHEREAS, There is an unjust discrimination in the law between the hunters and a permit under the law to encourage the slaughter of game, already rapidly diminishing, that is likely to provoke a total closure on the game of the State; therefore, be it

Resolved, That the Legislature of the State of California be and is hereby petitioned by this association of common hunters to limit the duck bag to fifteen per day, or even to fifteen for the week, in order to curb the slaughter of the game of the State, and to uphold fair and equitable sportsmanship throughout the State.

Senator Cutten presented the following petition, which was ordered printed in the Journal:

To the Honorable Senate and Assembly, Legislature of the State of California:

Your petitioners, the Berkeley Chamber of Commerce, respectfully show to your honorable body that the University of California has grown to be recognized as one of the great seats of learning of the world, and is entitled to the support that its importance deserves. Your petitioners are informed that your honorable body appreciates these conditions, and have under consideration measures intended to provide for new buildings and increased facilities for the use of the faculty and students of the university, and we beg permission to add our petition on behalf of these measures. As residents of Berkeley we are familiar with the needs of this institution, and know that the funds granted by your honorable body will be most worthily bestowed and wisely administered. We respectfully request that the appropriation for the University of California may be ample, in order that it shall be able to meet the demands of the present generation in higher and better education.

And your petitioners will ever pray.

BERKELEY CHAMBER OF COMMERCE.

C. C. JUSTER, President.
WELLS DUBRY, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where

a lower rate has been fixed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 615 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BILLS, Chairman.

Assembly Bill No. 195 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back amended, and recommend that it do pass as amended, and be re-referred to Committee on Finance.

BILLS, Chairman.

Senate Bill No. 648 ordered re-referred to Committee on Finance.

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by attending section thirteen hundred and twenty two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same."

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 264 and 7 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

STETSON, Chairman.

Assembly Bill No. 656 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening,

in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary, or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvements, approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act, have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HURD, Chairman.

Senate Bill No. 897 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty one *a*, relating to the proof of posting and publishing notices.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 986, 1018, and 1019 ordered on file for second reading:

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 654—An Act authorizing any municipal corporation using the word "town" in its corporate name to change such word to "city" and providing the procedure therefor, have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HURD, Chairman.

Assembly Bill No. 654 ordered on file for second reading.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Curtin asked for, and was granted, unanimous consent to have Senate Bill No. 736 taken up for consideration out of order.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Read third time.

On motion of Senator Curtin, Senate Bill No. 736 was temporarily passed on file, to retain its place.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

On motion of Senator Cassidy, Senate Bill No. 190 was temporarily passed on file, to retain its place.

Senate Bill No. 646—An Act to add two new sections to the Code

of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Senate Bill No. 646 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Senate Bill No. 647 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

On motion of Senator Holohan, Senate Bill No. 531 was passed to be placed at the foot of the file.

Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

On motion of Senator Thompson, Senate Bill No. 643 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

On motion of Senator Estudillo, Senate Bill No. 653 was passed to be placed at the foot of the file.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

On motion of Senator Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626g of the Penal Code, relating to the tree squirrel.

Senate Bill No. 158 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 774—An Act providing the time of payment of wages.

Senate Bill No. 774 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the

county auditor or a deputy county auditor at a state convention of county auditors.

Senate Bill No. 488 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

On motion of Senator Martinelli, Senate Bill No. 714 was temporarily passed on file, to retain its place.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

On motion of Senator Martinelli, Senate Bill No. 713 was temporarily passed on file, to retain its place.

Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate, and approve certain bonds authorized by such school districts.

On motion of Senator Estudillo, Senate Bill No. 664 was passed to be placed at the foot of the file.

Senate Bill No. 716—An Act governing and regulating plumbing; providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund; and providing for the licensing of plumbers.

Senate Bill No. 716 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

On motion of Senator Estudillo, Senate Bill No. 665 was temporarily passed on file, to retain its place.

Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 687 was temporarily passed on file, to retain its place.

Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill 777 was temporarily passed on file, to retain its place.

Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of

California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 776 was temporarily passed on file, to retain its place.

Assembly Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

On motion of Senator Campbell, Senate Bill No. 422 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 7.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts.

The Legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose an amendment to the Constitution of the State of California, by amending section six of article four thereof:

SECTION 1. Section six of article four is hereby amended to read as follows:

Section 6. For the purpose of choosing members of the Legislature, the State shall be divided in forty senatorial and eight assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof.

In the formation of such districts, no county, or city and county shall be divided, unless it contains within its boundaries sufficient population to form more than one district; provided that the portion of any county or city and county inhabited by the excess population remaining after the formation of compact districts of the requisite population within county lines, may be combined with a contiguous county or a part thereof, to form a district.

The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Campbell moved a call of the Senate.

Motion carried.

Time, eleven o'clock and five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll

The roll was called, and the following answered to their names:

Senators Avey, Beban, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and ten minutes A. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Bryant, he was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifteen minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Campbell.

The roll of absentees was called, and Senate Constitutional Amendment No. 7 refused adoption by the following vote:

AYES—Senators Beban, Black, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Cutten, Finn, Gates, Hans, Hare, Holohan, Juilliard, Martinelli, Rush, Sanford, Shanahan, Thompson, Welch, and Wright—21.

NOES—Senators Avey, Bell, Bardsall, Boynton, Campbell, Estradillo, Hewitt, Hurd, Larkins, Lewis, Roseberry, Stetson, Strudbridge, and Tyrrell—14.

NOTICE OF MOTION TO RECONSIDER.

Senator Campbell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 7 was this day refused adoption.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Adam Brahm, of San Francisco.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 688 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bardsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutten, Estradillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to

repeal Sections 3464, 3475 and 3493 of the Political Code of the State of California, relating to incineration and sanitary land districts, and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 616 ordered on file for third reading.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsell, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Chittin, Cutton, Estadillo, Gates, Hans, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Martineau, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Strobbridge the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mayor Chas. N. Hager and H. E. Brunner, both of Hayward.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsell, Black, Boynton, Bryant, Cartwright, Cassidy, Chittin, Cutton, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Martineau, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 300 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsell, Black, Boynton, Bryant, Cartwright, Cassidy, Chittin, Estadillo, Finn, Gates, Hans, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Martineau, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 723—An Act amending section one hundred seventy-one *a* of the Penal Code of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 723 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 6.

Relating to the acquisition by the United States of the Calaveras Big Trees.

WHEREAS, The lands upon which the Calaveras big trees are standing, though patented and subject to private ownership, are included within a United States forest reserve;

WHEREAS, The policy of maintaining such reserve demands that said lands and said trees should become a part thereof and thereafter dedicated to the public forever;

WHEREAS, The danger that those at present in control thereof may make commercial use of one of the priceless gifts of nature to mankind, should be averted; therefore, be it

Resolved by the Senate and the Assembly, jointly. That the Legislature of the State of California, memorializes the Congress of the United States to acquire by purchase, or otherwise, the lands containing the two famous groves, known as the Calaveras Big Trees, and thus protect and conserve them in a public park; be it further

Resolved. That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of a measure to acquire said groves of big trees and adjacent lands for the uses and purposes aforesaid; be it further

Resolved. That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture and to our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the passage of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, and Wright—31.

NOES—None.

Senate Joint Resolution No. 6 ordered engrossed and transmitted to the Assembly.

SENATE JOINT RESOLUTION NO. 11

Relative to the continuation by the United States of surveys for the construction of storage reservoirs for the impounding of flood waters in the Sierra Nevada Mountains in the State of California, and asking that an appropriation be made for carrying out such surveys as may be necessary.

WHEREAS, The United States Government has for several years past been securing data through the Geological Survey and the Department of Survey concerning the watersheds of the west slope of the Sierra Nevada Mountains and the construction of storage reservoirs for the conservation of flood waters in the winter and spring; and

WHEREAS, The Sacramento Valley, of which these watersheds form the eastern rim, constitutes a large body of the most fertile land to be found in any country, rivaling the far famed valley of the Nile in productivity and capacity of supporting a population of several millions when properly reclaimed and settled; and

WHEREAS, In times of heavy rainfall and melting the snows of winter coming down into the valley as a deluging flood, the high lands adjacent to the Sacramento River, thousands of acres of which are flooded in years of heavy rainfall; and

WHEREAS, In the report of the reclamation service for the year 1907 the statement is made that if storage reservoirs were constructed at the sites surveyed, it would greatly simplify the drainage problems of the Sacramento River and the lower Sacramento Valley by reducing the flood flow in the river; and

WHEREAS, The flood waters so impounded would benefit the greatest value to the Sacramento Valley and the State of California by being used for irrigation instead of being allowed to flow to the coast, effecting considerable damage to the valley, 800,000 acres of the lowlands of which having been flooded in 1904; therefore, be it

Resolved by the Senate and the Assembly, jointly, That the Legislature of the State of California recommends the Congress of the United States for the continuation of said work of surveying and constructing such storage reservoirs in the watersheds of the western slope of said Sierra Nevada Mountains on the tributaries of the Feather, Yuba and American rivers and other tributaries of the Sacramento River, carrying out all measures necessary for such work and making an appropriation of sufficient sums to be paid, if it is deemed possible, by it further

Resolved, That the Secretary of the Interior be requested to take the necessary measures for hastening the survey and construction of such reservoirs, in order to impound such flood waters and enable the problem of improvement and restraint of the Sacramento River to be the more speedily solved, and be it further

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the money desired in this matter for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture, the respective Houses in Congress and to each of our Senators and Representatives in Congress, including those to assume office on March 4, 1911.

Senate joint resolution read.

The question being on the adoption of the joint resolution

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Aves, Bacon, Bell, Bidsell, Black, Boynton, Bryant, Cammerford, Cartwright, Cassidy, Curtin, Eschbacher, Gates, Hale, H. Witt, Holohan, Hurd, Jaffard, Larkin, Lewis, Martinelli, Raspberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, and Wright—31.

NOES—None.

Senate Joint Resolution No. 11 ordered engrossed and transmitted to the Assembly.

SENATE JOINT RESOLUTION NO. 15.

Relative to the plague and famine existing in China and Manchuria.

WHEREAS, Frightful conditions of plague and famine exist in the northern provinces of China and Manchuria in which hundreds of thousands of Chinese have died and countless numbers are dying; and

WHEREAS, California, through its close trade and friendly relations with oriental nations, believes that it should take the lead in expressing substantial sympathy for the stricken peoples of China; and

WHEREAS, A measure is now pending in the California Legislature to appropriate \$5,000 for the relief of these people; and therefore, be it

Resolved, That this Legislature hereby calls upon the Legislatures now in session in the various states and also upon the National Congress to take such action as they may deem fit to place in the hands of the National Red Cross at Washington

such sums for transmission to Chinese as may be voted for the alleviation of one of the greatest scourges that has afflicted any nation in modern times, and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to California's Representatives to Congress, and to the various state legislatures now in session.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Fane, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrell, Welch, and Wright—33.

NOES—None.

Senate Joint Resolution No. 15 ordered engrossed and transmitted to the Assembly.

PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Fred W. Swanton of Santa Cruz.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE JOINT RESOLUTION NO. 8.

Relative to National forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres; and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States; and

WHEREAS, Each year during the months of July, August, and September, forest fires threaten partial or total destruction of these forests; and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the Senate of the State of California, and the Assembly, jointly, That the War Department of the United States be and it hereby is, requested to station Federal troops in the national forests within the State of California during the months of July, August, and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote: •

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrell, and Welch—31.

NOES—None.

Senate Joint Resolution No. 8 ordered engrossed, and transmitted to the Assembly.

Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

On motion of Senator Black, Senate Joint Resolution No. 10 was temporarily passed on file, to retain its place.

Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine

and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 251 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Stetson, Strobridge, Thompson, Tyrrell, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 250 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Cassidy moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hewitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. H. Plummer of Los Angeles.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code three new sections to be known and numbered as Section 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 382 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Hol-

han, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An Act to declare the Sonora and Mono road in Tuolumne County a state highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 109 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Bryant, Caminetti, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Estudillo moved that the vote whereby Senate Bill No. 112 was refused passage be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, and Wright—32.

NOES—None.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

On motion of Senator Estudillo, Senate Bill No. 112 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 457 passed by the following vote:

AYES—Senators Avey, Boban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Avey, Boban, Bell, Birdsall, Black, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music and advertising purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and

compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Read third time.

On motion of Senator Hurd, Senate Bill No. 874 was temporarily passed on file, to retain its place.

Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boonin, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Fann, Gates, Hans, Hays, Heald, Henshaw, Hurd, Juddard, Larkins, Lewis, Roscherry, Rush, Sanford, Sherman, Street, Lee, Thompson, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Estudillo, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, FEBRUARY 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments.

Assembly Bill No. 68—An Act to add a new section to the Penal Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, FEBRUARY 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as Section 593b, and relating to party telephone lines and wires.

Also: Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Also: Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Also: Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Also: Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Also: Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Also: Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps,

or weirs in the Napa River and its tributaries in the counties of Sonoma, Napa and Solano.

Also: Assembly Bill No. 636—An Act to amend the Penal Code of California, by adding a new section thereto to be known as Section 626p, relating to the protection of beaver.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 389, 857, 495, 43, 510, 1006, 904, 972, 798, 716 and 636 read first time.

Assembly Bill No. 389 ordered referred to Committee on Corporations.

Assembly Bills Nos. 857, 495, 43 and 798 ordered referred to Committee on Judiciary.

Assembly Bill No. 510 ordered referred to Committee on County Government.

Assembly Bill No. 1006 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 904 ordered referred to Committee on Education.

Assembly Bills Nos. 972, 716, and 636 ordered referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Also: Senate Bill No. 344—An Act to regulate the public service of stallions and jacks in the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 348 and 344 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 469—An Act to amend an Act entitled, "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine—and respectfully request your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 469?"

In line 8, of the printed bill, the last word "his" should be stricken out, and insert the word "its".

Also: On page 2, of the printed bill, strike out all of Section 2.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 469 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Welch, and Wright—32.

NOES—None.

Senate Bill No. 469 ordered to enrollment.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended five minutes.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any females to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

LARKINS, Chairman.

Assembly Bill No. 248 ordered re-referred to Committee on Judiciary.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Avey, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. A. McElvane, of San Bernardino.

MOTION.

Senator Caminetti moved that Assembly Bill No. 248 be recalled from the Committee on Judiciary and re-referred to the Committee on Labor, Capital and Immigration.

Motion duly seconded.

Question being on the passage of the motion.

The roll was called, and the motion carried by the following vote:

AYES—Senators Avey, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Hare, Juilliard, Lewis, Martinelli, Rush, Sanford, Shanahan, Tyrrell, and Welch—21.

NOES—Senators Bell, Bills, Boynton, Gates, Hewitt, Hurd, Larkins, Roseberry, Stetson, Strobbridge, Thompson, and Wright—12.

Assembly Bill No. 248 ordered re-referred to Committee on Labor, Capital and Immigration.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. E. McVey and J. F. Sartori, both of Los Angeles.

On request of Senator Cartwright, the privilege of the floor of the

Senate Chamber, for this day, was unanimously extended to Arthur E. Webb and Henry Richmond, both of Richmond.

On request of Senator Tyrrell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to George D. Tay, of San Francisco, and William B. White, of Oakland.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626*g* thereof, relating to tree squirrels.

On motion of Senator Sanford, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

On motion of Senator Black, Assembly Bill No. 37 was temporarily passed on file, to retain its place.

Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

On motion of Senator Sanford, Assembly Bill No. 559 was temporarily passed on file, to retain its place.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653*e*, relating to blacklisting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and

to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State and to provide for the disposition of the products of their skill and labor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," (approved March 16, 1889) and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

Bill read second time, and ordered on file for third reading.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. S. Moulton and B. A. Goodman, both of Stockton.

SECOND READING OF SENATE BILLS—OUT OF ORDER.

On motion of Senator Boynton, the second reading file of Senate bills was taken up.

Senate Bill No. 260—Committee Substitute for—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Senate Bill No. 260 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 876—An Act to amend Section 1303 of the Code of Civil Procedure, relating to the notice of petition for probate of will.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 879—An Act to add a new section to the Code of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight a, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 596—An Act to require corporations and their officers to permit the attorney general or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases, making failure to comply with this Act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith and fixing venue.

During second reading of the bill, the following amendments were offered by Senator Hurd:

Strike out of Section 6, line 1, the word "the".

Amendment adopted.

Also:

Strike out of Section 6, line 3, the words "as repealing any other right, power or means afforded by law", and inserting in lieu thereof the following: "for violating the provisions of this Act shall be prosecuted by".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

During second reading of the bill, the following amendment was submitted to committee:

On page 1, Section 1, line 7, strike out the words "either of them", and insert in lieu thereof the following: "person or estate".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the words "articles of incorporation".

Amendment adopted.

Also:

On page 1, Section 1, line 14, after the word "three", insert the following "not more than thirty-one".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, strike out the word "shaped", and insert in lieu thereof the following: "pleaded".

Amendment adopted.

Also:

On page 1, Section 1, line 10, strike out the word "shaped", and insert in lieu thereof the following: "pleaded".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 682—An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 14, strike out the "period", and insert in lieu thereof the following: ", or by the municipality itself from a municipal system, plant or supply".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 16, after the comma following the first word "municipality", insert the following: "the power of such municipality to issue such bonds and".

Amendment adopted.

Also:

On page 2, Section 1, line 17, strike out the words, "the proposed issuance", and insert in lieu thereof the following: "sale or the proposed issuance and sale".

Amendment adopted.

Also:

On page 2, Section 1, line 20, after the word "sold", insert the words "either before or".

Amendment adopted.

Also:

On page 2, Section 1, lines 25 and 26, strike out the words "of such bonds and of the coupons thereto attached", and insert in lieu thereof the following: "and interest of such bonds";.

Amendment adopted.

Also:

On page 2, Section 1, line 27, strike out the words "already sold or any bonds".

Amendment adopted.

Also:

On page 2, Section 1, line 30, after the word "election", insert the following: "or any bonds which have been sold for less than their par value."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Sections 2185b, relating to the admission of voluntary patients to state hospitals.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the prac-

tice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

During second reading of the bill, the following amendments were offered by Senator Hurd:

Amend Section 7, line 55, by inserting after the word "ago", the following words: "Such license fee shall be good until the following first day of May, when it shall expire by limitation. An annual license fee of two dollars shall thereafter be paid annually by every person practicing dentistry in this State, and it shall be the duty of said board to issue all regularly licensed dentists upon application and the payment of two dollars, if made before the expiration of the applicant's license, a new license which shall entitle said person to practice dentistry in this State for a period of one year, and which license shall expire upon the following first day of May. Said board shall have no authority to issue an annual license to any person who is not a regularly licensed dentist, and who has not paid said license fee of two dollars on or before the date when his previous license expired. Every person who was a regularly licensed dentist, and who failed to pay said license fee of two dollars before the expiration of his license, shall be considered as if no license had ever been issued to him, and before he can again practice dentistry in this State shall make a new application therefor as in the first instance, and pay the regular fee of twenty-five dollars therefor, except that he shall not be required to submit to any examination."

Amendment adopted.

Also:

Strike out of Section 13, line 7, the words "or any", and insert in lieu thereof the following: "license".

Amendment adopted.

Also:

Amend Section 13, line 11, by inserting after the word "diploma", the word "license".

Amendment adopted.

Also:

Amend Section 13, line 15, by inserting after the word "diploma", the word "license".

Amendment adopted.

Also:

Amend Section 13, line 16, by inserting after the word "diploma", the word "license".

Amendment adopted.

Also:

Amend Section 7, line 11, after the word "subjects", by inserting the following: "Dental".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

UNFINISHED BUSINESS.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.
Read third time previously.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:
"SECTION 1. Section four thousand three hundred a of the Political Code of the State of California is hereby amended so as to read as follows:
4300a. On the commencement of any action or proceeding, or the filing of a

transfer from another county, in the superior court, or on an appeal thereto, except probate or adoption proceedings, to be paid by the party commencing such action or proceeding, or taking such appeal, eight dollars, and two dollars, law library fees.

On the filing of each petition for letters of administration, testamentary, guardianship, or special letters of administration, to be paid by the petitioner, five dollars, and one dollar law library fee.

For issuing an execution, writ or possession, or order of sale in any action, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, except certifying to copies, to and including the making up of the judgment roll.

For filing and docking abstract of judgment from court of justice of the peace, one dollar.

On filing a petition to contest any will or codicil, three dollars.

On filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing the same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, except certificate to copy, twenty-five cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal or adoption case, except for copies or certificates thereto.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing a marriage license, including affidavit, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, certificate of increase or diminution of capital stock, or directors, certificate of bonded indebtedness or change of business, or certified or amended copies thereof, one dollar.

For filing and indexing certificates of copartnership, one dollar.

For filing all papers to be kept by him, other than papers filed in action or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing, registering or recording any license required by law, when not otherwise provided for, one dollar.

For examining and certifying to a copy of any paper, record or proceeding prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For taking any affidavit, except in criminal cases, twenty-five cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents.

For filing notices of appeal and appeal bonds, each, fifty cents."

MOTION.

Senator Caminetti moved that the proposed amendment be printed in the Journal.

Motion carried.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

UNFINISHED BUSINESS—(RESUMED).

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

THIRD READING OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to have Assembly Bill No. 37 taken up for consideration out of order.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

Read third time.

SPECIAL ORDER SET.

Senator Juilliard moved that the further consideration of Assembly Bill No. 37 be made a special order for Monday, February 20, 1911, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to have Assembly Bill No. 559 taken up for consideration out of order.

Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 559 finally passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Har, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Thompson, and Wright—28.

NOES—Senators Bills and Sanford—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

Senator Finn asked for, and was granted, unanimous consent to have Senate Bill No. 260 taken up for consideration out of order for the purpose of amendment.

Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats, David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

During second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 260.

An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scamell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State of California shall pay one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scamell and Dennis Sullivan, owned by the city and county of San Francisco, which shall be paid out of the fund known as the "San Francisco Harbor Improvement Fund," for the use thereof while said fire boats remain in commission and are used on the bay of San Francisco and not elsewhere, and said boats shall be used for protection against fires to wharves, shipping and the property of the State on the water front of San Francisco, without any other or further cost to the State of California.

SEC. 2. The board of fire commissioners of the city and county of San Francisco may, each month, present to the Board of State Harbor Commissioners an itemized account of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of said fire boats for the preceding month. The commissioners of the Board of State Harbor Commissioners shall thereupon draw a check for one half of said cost and expense as disclosed by said itemized account upon the Controller of State in the manner provided by Section 2529 of the Political Code. The Controller of State shall thereupon draw his warrant, payable to the city and county of San Francisco, for the amount of said draft upon the State Treasurer, who shall pay the same to the treasurer of the city and county of San Francisco out of any money in the state treasury credited to the San Francisco Harbor Improvement Fund.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Bell, the third reading of Senate bills was taken up out of order.

Senate Bill No. 673—An Act to regulate bakeries or bakeshops; prohibiting the use of cellars or basements for the manufacture of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the commissioner of the bureau of labor statistics, and providing penalties for the violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 673 passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WRIGHT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Wright, of the Fortieth District, in the chair.

THIRD READING OF SENATE BILLS—[OUT OF ORDER]—[RESUMED].

Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

On motion of Senator Avey, Senate Bill No. 631 was temporarily passed on file, to retain its place.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

On motion of Senator Cutten, Senate Bill No. 483 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

On motion of Senator Cutten, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors within or contiguous to certain state buildings and grounds.

On motion of Senator Boynton, Senate Bill No. 935 was temporarily passed on file, to retain its place.

Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 672 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roscherry, Sanford, Stinson, Strobridge, Thompson, Welch, and Wright—31.

NOES—Senator Shanahan—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hewitt, Holohan,

Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 959 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Also: Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back without recommendation, and that they be re-referred to the Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 649 and 650 ordered re-referred to Committee on Finance.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 5 for consideration out of order, for the purpose of adopting committee substitute.

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT No. 5.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one-half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The Legislature of the State of California, at its thirty-ninth regular session, commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby proposes that a new section be added to Article XI of the Constitution of the State of California, to be known and designated as section seven and one-half of Article XI of the Constitution of the State of California, and to read as follows:

Section 7½. Any county may frame a charter for its own government relating to the matters hereinafter specified in this section, and none other, consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one,) by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at any general, or special election, as hereinafter provided:

A petition, signed by fifteen per centum of the qualified electors of said county,

computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election, at which a Governor was elected, praying for the election of a board of fifteen freeholders, to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of voters of the county, whether said petition is signed by the requisite number of qualified voters. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining said petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if by said certificate it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the same to the board of supervisors at its next regular meeting after the date of such certificate. Thereupon, said board of supervisors shall forthwith order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days from the presentation of said petition to said board of supervisors, and that if a general election shall occur in said county not less than twenty days nor more than sixty days from such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for members of said board of freeholders shall be nominated by petition in the same manner as may be provided by law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed—one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in two daily newspapers of general circulation, printed, published and circulated in said county, and the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk, *provided*, that in any county containing a population of not more than ten thousand inhabitants, as established and ascertained by the last preceding census taken under the direction of the Congress of the United States, such proposed charter shall be so published in one such daily newspaper, or by three insertions in at least one weekly newspaper of general circulation, so printed, published and circulated; *and provided further*, that if no newspaper be printed and published in any county framing a charter under this section, a copy of such proposed charter shall be posted by the county clerk in three public places in said county and on or near the entrance to at least one public school house in each school district in said county. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then said proposed charter may be so submitted at such general election. If a majority of said qualified electors voting thereon at such general or special election shall vote in favor of said proposed charter, it shall be submitted to the Legislature at its next regular session, or it may be submitted to the Legislature at its next extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in said recorder's office of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than fifty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county, or after the publication thereof by three insertions in at least one weekly newspaper of general circulation, printed, published and circulated in said county, if there be no such daily newspaper, or after the posting thereof by the county clerk thereof, in three public places in said county,

and on or near the entrance to at least one public school house in each school district in said county if no newspaper be printed and published therein. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be submitted to the Legislature at its next regular session, or may be submitted to the Legislature at its next extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county, for all candidates for Governor at the last general election at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified, and if signed by the requisite number of qualified electors of said county, it shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth in said petition to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Whenever the Legislature shall be convened by the Governor in extraordinary session, after the ratification of any such charter, or amendment or amendments thereto, by the electors of said county, and prior to the next regular session thereof, such charter, or amendment or amendments thereto, may be submitted to the Legislature for approval or rejection, as hereinbefore provided.

Every special election held under the provisions of this section, for the election of boards of freeholders, or for the submission of proposed charters or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or by two insertions in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted in three public places in such county, and in or near the entrance to at least one public school house in each school district therein. In all other respects every such election shall be held and conducted, the returns thereof canvassed and the results thereof declared by the board of supervisors calling the same, in the manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be applicable thereto.

It shall be competent, in all charters framed under the authority given by this section to provide, and the same shall provide for the following matters, and none other:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said boards shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that when selected at large, said boards shall consist of one member for each district, who must be a qualified elector thereof; and

2. For the election of district attorneys, auditors, assessors and superintendents of schools, and for the manner in which, the times at which, and for the terms for which said officers shall be elected, and for their compensation or for the fixing of such compensation by boards of supervisors; *provided*, that whenever it is provided by the constitution that superintendents of schools shall be appointed, such charters may provide for the manner in which, the times at which, and the terms for which such superintendents of schools shall be appointed; and

3. For the election or appointment of sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners and surveyors, and

for the manner in which, the times at which and for the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors; and

4. For the number of justices of the peace and constables for each township, the times at which, and the terms for which such justices of the peace and constables shall be elected, and for their compensation, or for the fixing of such compensation by boards of supervisors; and

5. For the powers and duties of boards of supervisors and all other county officers, subject to the Constitution and laws of the State, and for the consolidation and segregation of county officers, and for the filling of all vacancies occurring therein; and

6. For the creation of officers other than those required by the Constitution and laws of the State, or for the creation of any or all of such officers by boards of supervisors, for the election or appointment of the incumbents of such offices, for the manner in which, the times at which and the terms for which such incumbents shall be so elected or appointed, and for their compensation or for the fixing of such compensation by boards of supervisors; and

7. For authorizing and empowering boards of supervisors, by ordinance, to fix and regulate the number of assistants, deputies, clerks, attachés and other persons to be employed from time to time in the several offices of the county, and to prescribe the powers, duties and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment or removal, either under the provisions of general laws establishing civil service regulation, or otherwise; and

8. For the compensation of such fish and game wardens, probation and other officers as may be provided by general laws, or for the fixing of such compensation by boards of supervisors.

All charters framed under the authority given by this section, in addition to the matters specified herein, may provide as follows:

For the construction, care, maintenance, repair, inspection and supervision by counties of roads, highways and bridges, except inter-county bridges, and, subject to such regulations and conditions as may be imposed by the Legislature, for the construction, care, maintenance, repair, inspection and supervision of such roads, highways and bridges for which aid from the State is granted: *provided* that for the care, maintenance and repair only of such roads, highways and bridges, such charters may provide, as an alternative method therefor, for the division of counties, exclusive of incorporated cities and towns, into road districts, and also for the organization, government and jurisdiction thereof, for raising revenue therefor for such purposes by taxation, upon the assent of a majority of the qualified electors of such districts voting at an election to be held for that purpose, and for granting aid by counties to such districts for said purposes; *and provided further*, that for the construction only of roads, highways and bridges, except inter-county bridges, such charters may provide, as an alternative method therefor, for the organization and establishment of highway construction divisions in such counties, inclusive or exclusive of incorporated cities and towns, and for the government and jurisdiction of such highway construction divisions. All such highways and bridges constructed by highway construction divisions shall be maintained by the counties in which such divisions are situated.

Each road district established and organized as provided by any charter framed under the authority given by this section, shall be entitled to have, and there shall be apportioned thereto by the board of supervisors of the county, its proper proportion of moneys annually from the road funds of the county, derived from general or special taxes, and such county shall contribute toward the cost and expense of the care, maintenance and repair of roads, highways and bridges, exclusive of inter-county bridges, by road districts, as shall be determined by boards of supervisors, by ordinance, from time to time.

If any charter framed under the authority given by this section shall provide for the construction, care, maintenance, repair, inspection or supervision of roads, highways or bridges, except inter-county bridges, by the county road districts, or highway construction divisions, as herein provided, it shall also be competent in such charter, to provide for the incurring of bonded indebtedness by such county, road districts, or highway construction divisions, for such purposes, and for the issuance and sale of bonds therefor by such county, districts and divisions, and for the management and disposition of the proceeds of the sale of such bonds; *provided*, that no such indebtedness shall be incurred without the assent of two thirds of the qualified electors of such county, road district, or highway construction division, as the case may be, voting at an election to be held for that purpose, and for the procedure prescribed by general laws for the incurring of bonded indebtedness by counties shall govern the voting, issuance and sale of such bonds, so far as applicable.

Whenever any county has framed and adopted a charter and the same shall have been approved by the Legislature, as provided in this section, the provisions of Section 4 of this article, providing for the establishment of a uniform system of county governments, and the provisions of section five of this article, providing for the election or appointment in the several counties of county officers and for the

regulation of the compensation thereof, shall not apply to such county. All such charters shall supersede all laws inconsistent therewith, except as to the matters herein provided in which they are hereby made subject to and controlled by general laws."

Committee Substitute for Senate Constitutional Amendment No. 5 read and adopted, ordered to print and engrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Senate Bill No. 774 for consideration out of order, for the purpose of amendment.

Senate Bill No. 774—An Act providing the time of payment of wages.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Bell as a special committee of one, to amend as follows:

On page 2, of the printed bill, add a new section thereto immediately following Section 3, and to read as follows:

"SEC. 4. None of the provisions of this Act shall apply to any county, city and county, incorporated city or town, or other municipal corporation."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 774, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Chairman.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Sanford, the Secretary was directed to issue a rush order for printing Senate Bill No. 774.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 15, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estandillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juhlhard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tynell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 14, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to James P. Edoff, of Oakland.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to F. P. Boyd, district attorney of Marin County.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. James A. B. Wentworth, of San Francisco.

On request of Senator Bell, the privilege of the floor of the Senate Chamber for this day, was unanimously extended to Dr. James A. B. Scherer, of Pasadena.

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to the members of the San Francisco Fire Department.

On request of Senator Birdsall, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to F. G. Hall, of Quincy.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. M. K. Snow, of Sacramento, and J. P. Kelleher, of San Francisco.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Col. Albert E. Castle, of San Francisco.

On request of Senator Regan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. G. M. Suther-

land, Mr. C. B. Whilden, Professor Flint, Mr. J. A. McKoun and Mr. E. J. Malony, all of San Francisco.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. A. L. Cowell of Stockton.

On request of Senator Hare, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. Winants, of San Francisco.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. L. Chaffin, J. H. Tam and C. E. Arnold, all of Bakersfield.

On request of Senator Birdsall, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. S. Williams, of Lincoln.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber for this day, was unanimously extended to J. E. Pemberton, of Ukiah.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Wolfe to reconsider the vote whereby Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health—was passed, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Senate Bill No. 188 was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Holohan, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holohan moved to refer to Senator Wolfe as a special committee of one, to amend as follows:

By striking out of Section 1, line 26, the period after the word confinement, and inserting in lieu thereof a semicolon and the following: "*provided, however, that syphilis and gonococcus infection shall be reported by office number only.*"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 188, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendment adopted.
Bill ordered to print and reengrossment.

COMMUNICATION.

The following communication was received and read:

SAN FRANCISCO, CAL., February 14, 1911.

To the Honorable the Senate and Assembly of the State of California, in session.

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, plaintiff and respondent, vs. *Abraham Ruef*, defendant and appellant (Crim. No. 14551); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted.

W. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELLOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

P. S.—Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action.

MOTION.

Senator Boynton moved that the communication from the Supreme Court of California be printed in the Journal, referred to the Committee on Rules, and be transmitted to the Assembly.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 247 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 13 ordered referred to the Committee on Contingent Expenses and Accounts.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California, relating to codification by the Judiciary Committee of laws referred to other committees.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 855 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Also: Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Also: Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also: Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Also: Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands, within the State of California, creating a state board of forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Also: Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 576, 573, 740, 574, 575, and 1042 read first time.

Assembly Bills Nos. 576 and 573 ordered referred to Committee on Fish and Game.

Assembly Bill No. 740 ordered referred to Committee on Corporations.

Assembly Bills Nos. 574, 575, and 1042 ordered referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 185—An Act to amend Section 626 of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs—and respectfully ask your honorable body to concur in the amendment.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 185?"

Amend by striking out of line 5, of the printed bill, the word "two", and insert in lieu thereof the word "one".

Also: Amend by striking out after the word "said" in line 5, of the printed bill, the word "dogs", and insert in lieu thereof the word "dog".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 185 by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Jenkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strickland, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 185 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Stetson:

Resolved, That the State Printer be, and he is hereby instructed, to print one thousand copies of the Railroad Commission Act indexed.

Also, two hundred enrolled copies of Senate Concurrent Resolution No. 5.

Resolution read.

MOTION.

Senator Stetson moved the adoption of the resolution without reference to committee.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 74 and 367 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 663—An Act to amend Section 531 of the Political Code relating to the duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back and recommend that the same be referred to the Committee on Printing.

STETSON, Chairman.

Assembly Bill No. 663 ordered re-referred to Committee on Printing.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Also: Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Gates, Hans, Hare, Hewitt, Holobrin, Lewis, Martinelli, Rush, Thompson, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holobrin, Lewis, Martinelli, Rush, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

On motion of Senator Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

Senate Bill No. 158 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100*a*, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Senate Bill No. 488 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 714—An Act to repeal Section 375*a* of the Penal Code, relating to crimes against public health and safety.

On motion of Senator Martinelli, Senate Bill No. 714 was passed to be placed at the foot of the file.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Hans, as a special committee of one, to amend as follows:

Insert in line 5, Section 2, page 2, of printed bill, after the word "transported", the following: "or within the custody of a common carrier pending delivery to consignee".

Also: Strike out all of section six (6), and insert in lieu thereof the following:

SEC. 6. The Railroad Commission of this State is hereby empowered to make, publish and promulgate such regulations as are not in conflict with this Act and as in the judgment of said commission may tend to the safe packing, loading, storage and transportation of the explosives defined by section one of this Act".

Also: Insert after the word "hire", line 3, Section 14, page 7, the following: "or place or carry any explosive while on board any such car, vessel or vehicle, in any hand baggage, roll or container, or place any explosive in any baggage thereafter checked with any common carrier".

Also: Add to said bill at the end thereof the following new sections:

"SEC. 15. Nothing in this Act contained shall prevent the operation of, or modify, alter, set aside or supersede the provisions of any municipal ordinance respecting the delivery, storing and handling of explosives.

"SEC. 16. Nothing in this Act contained shall regulate or apply to any shipment of explosives from a point within this State, consigned to a point without this State, over a line or lines of one or more common carriers".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 713, with instructions to amend, respectfully reports the same back, amended as per instructions.

HANS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 716—An Act governing and regulating plumbing; providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund; and providing for the licensing of plumbers.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 716 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Holohan, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—25.

NOES—Senators Hewitt and Thompson—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 716 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 665 passed by the following vote:

AYES—Senators Avey, Beban, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holahan, Hurd, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, and Wolff—24

NOES—Senators Bell, Larkins, and Lewis—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 687 was passed, to be placed at the foot of the file.

Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 777 was passed, to be placed at the foot of the file.

Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subjects, to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 776 was temporarily passed on file, to retain its place.

Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

On motion of Senator Campbell, Senate Bill No. 422 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Senate Joint Resolution No. 10 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life

and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Avey, Bell, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe—23.

NOES—Senators Boynton, Roseberry, and Wright—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Senate Bill No. 736 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to the debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale intoxicating liquors within or contiguous to certain state buildings and grounds.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 935 passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, and Wright—22.

NOES—Senators Finn, Hare, Regan, and Wolfe—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Read third time.

MOTION.

Senator Welch moved that Senate Bill No. 874 be re-referred to Committee on Judiciary and retain its place on the file.

Motion carried.

Senate Bill No. 874 ordered re-referred to Committee on Judiciary.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Campbell moved that the vote whereby Senate Constitutional Amendment No. 7 was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 7 was refused passage be made a special order for Thursday, February 17, 1911, at eleven o'clock A. M.

Motion carried.

MOTION.

Senator Boynton moved that Senate Bill No. 185 be recalled from enrollment.

Motion carried.

Senate Bill No. 185 recalled from enrollment.

RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Wm. B. Acton and C. R. Stevens, both of San Francisco.

On request of Senator Regan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. H. Murphy, of San Francisco.

On request of Senator Hans, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. G. L. Schmidt, of Alameda.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second-reading file of Senate bills was taken up.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending,

widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities for the condemnation of property necessary or convenient for such purposes and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement." approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, strike out the word "said" in the last line of title, and insert in lieu thereof the word "this".

. Amendment adopted.

Also:

On page 2, Section 1, line 17, after the word "paid", add the following: "if the proceedings be abandoned or the action dismissed no attorneys fees shall be awarded the defendants or either or any of them."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 896—An Act granting to municipal corporations of the State of California the right to construct, operate, and maintain water and gas pipes, mains, or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue, or highway, or across any railway, canal, ditch, or flume.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Wolfe, the second reading file of Assembly bills was taken up.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code relating to when husband and wife are competent witnesses in criminal actions and proceedings.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 7, 8, and 9, strike out the words "but this exception does not apply to a criminal action or proceeding for a crime committed by one against the person, or property of the other," and insert in lieu thereof the following: "or in case of criminal actions or proceedings for a crime committed by one against the person or property of the other, or in cases of criminal violence upon one by the other."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 7.—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same."

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the words "entitled an Act".

Amendment adopted.

Also:

On page 1, title, lines 5 and 6, before the word "cemeteries", insert the following: "and fraternal" and strike out the words: "sale of lots, keeping same in order".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "nine", insert the following: "of the Political Code".

Amendment adopted.

Also:

On page 1, Section 1, line 2, strike out the following: "so as".

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the word "of", and insert in lieu thereof the following: "or".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the word "enter", and insert in lieu thereof the following: "inter"

Amendment adopted.

Also:

On page 2, Section 2, line 1, after the word "ten", insert the following: "of the Political Code".

Amendment adopted.

Also:

On page 2, Section 2, line 2, strike out the words, "so as".

Amendment adopted.

Also:

On page 2, Section 2, lines 3 and 4, strike out the following: "board of supervisors, city trustees, or other corresponding".

Amendment adopted.

Also:

On page 2, Section 2, lines 5 and 6, strike out the following: or, said fraternal or beneficial associations or societies and the trustees thereof,".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Boynton, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city," and providing the procedure therefor.

Bill read second time, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Boynton gave notice that on the next legislative day he would move a reconsideration of the vote whereby the Senate concurred in the Assembly amendments to Senate Bill No. 185.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Senate Bill No. 616 for consideration out of order, for the purpose of amendment.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Juilliard as a special committee of one, to amend as follows:

By adding after the period at the end of line 81, Section 15, of the printed bill, the following: "assessment heretofore made in any reclamation district shall be validated and collected in the manner provided by law at the time such assessments were made".

Also: On page 12, Section 16, line 14, strike out the period, and insert in its place a semicolon.

Also: On page 12, Section 16, line 14, strike out the word: "and", and insert the word "or".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 616, with instructions to amend, respectfully reports the same back, amended as per instructions.

JUILLIARD, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

Also: Senate Bill No. 985—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Finance.

GATES, Chairman.

Senate Bills Nos. 408, 963 and 985 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that it do pass as amended.

GATES, Chairman.

Assembly Bill No. 419 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GATES, Chairman.

Assembly Bill No. 747 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 957 ordered on file for second reading.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 16, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 15, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to M. Clark, of San Francisco.

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to E. O. Dalton, of San Francisco.

On request of Senator Regan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Sibley, of San Francisco.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Truxton Beale, J. H. Tam, and E. C. Arnold, all of Bakersfield.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to A. H. Elliot, of San Francisco.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Julius Colman and Mr. Zwirlini, both of San Francisco.

On request of Senator Walker, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to A. G. Col, of San Jose.

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Charles H. Kerr, of Chicago.

On request of Senator Cassidy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Adams and Whele, of Denver, Colorado.

On request of Senator Hans, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to F. M. Davidson, J. S. Orchison, J. T. Rattray, and James Moir, all of Oakland.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. J. Wade, of Los Angeles.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 13, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 13 be postponed, and made a special order for Thursday, February 16, 1911, at eleven o'clock A. M.

Motion carried.

COMMUNICATION.

The following communication was received and read:

STOCKTON, CAL., February 15, 1911.

Hon. Senate of the State of California, Sacramento, Cal.

GENTLEMEN: At a well attended meeting of the Stockton Chamber of Commerce held last Saturday, at which representatives were present from all parts of the county, an Act to regulate the occupation of barbers, to create a board of examiners for licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, preventing the spreading of contagious diseases and guaranteeing better service, was brought up and frankly discussed.

At the conclusion of that discussion, and on motion, the board voted unanimously to endorse the general provisions of the bill or Act now pending before the Legislature, and I was instructed to convey to you an expression of this Chamber of Commerce in behalf of such better regulation.

I trust that this communication may be referred to the committee in charge of the proposed Act in order that every evidence shall be brought to bear that may influence its final passage.

Very truly yours,

J. M. EDDY, Secretary.

Communication ordered printed in the Journal.

PRESENTATION OF BILLS, ETC.

Senator Birdsall offered, and sent to the desk for introduction, a bill.
 Bill ordered referred to Committee on Introduction of Bills.
 Senator Welch offered, and sent to the desk for introduction, a bill.
 Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 14 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven and thirteen of said Act.

Also: Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections *8a* and *8b* to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

REGAN, Chairman.

Senate Bills Nos. 875 and 609 ordered on file for second reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be, and he is hereby, instructed to print five hundred extra copies of Senate Bill No. 918.

Have had the same under consideration, and respectfully report the same back and recommend that the same be adopted.

HANS, Chairman.

Report and resolution read and adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be, and he is hereby, instructed to print two hundred extra copies of Senate Bill 1022.

Have had the same under consideration, and respectfully report the same back and recommend that same be not adopted, a sufficient number of copies having been supplied.

HANS, Chairman.

Report and resolution read and adopted.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 141 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, co-partnerships or associations, in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, co-partnerships or associations in charge of a public use or engaged in public work of any kind or nature and persons employed by them to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared and providing penalties for the violation of any of the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARKINS, Chairman.

Senate Bill No. 918 ordered on file for second reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wright moved that the vote whereby Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers—was passed, be now reconsidered.

Motion duly seconded.

WITHDRAWAL OF MOTION TO RECONSIDER.

Senator Wright asked for, and was granted, unanimous consent to withdraw his motion to reconsider the vote whereby Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers—was passed.

Senate Bill No. 716 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 passed by the following vote:

AYES—Senators Avey, Birdsall, Boynton, Bryant, Campbell, Cassidy, Gates, Hans, Hurd, Lewis, Martinelli, Regan, Roscherry, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—21.

NOES—Senators Cammett and Stetson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate Constitutional Amendment No. 20 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Senate Constitutional Amendment No. 14 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

Senate Bill No. 158 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100*a*, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Senate Bill No. 488 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 422—An Act to amend Section 1665*a* of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 422 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Cammett, Campbell, Cartwright, Cassidy, Gates, Hans, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Stetson, Thompson, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Senate Joint Resolution No. 10 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Senate Bill No. 736 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Cartwright, Cassidy, Fann, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Shattuck, Thompson, Walker, Welch, Wolfe, and Wright 23.

NOES—Senator Stetson 1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California and in such lands.

On motion of Senator Stetson, Senate Bill No. 571 was temporarily passed on file, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Senate Bill No. 572 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 917 was passed, to be placed at the foot of the file.

Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 922 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Bryant, Caminetti, Cartwright, Cassidy, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 passed by the following vote:

AYES—Senators Avey, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Avey, Birdsall, Bryant, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants and shrubbery for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910—and report that the same has been correctly enrolled, and presented the same to the Governor on the 15th day of February, 1911, at twelve o'clock M.

CASSIDY, Chairman.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 30—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Walker moved to refer to Senator Cutten as a special committee of one, to amend as follows:

By striking out of Section 1, lines 5 and 6, the words "State Board of Engineers", and inserting in lieu thereof the following: "Department of Engineering."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 30, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hurd, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 432 was passed, to be placed at the foot of the file.

Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Senate Bill No. 416 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Senate Bill No. 468 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 661—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An Act to provide for the construction of a covered passage way to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor of the State of California, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.

NOES—None.

Title read.

AMENDMENT TO TITLE.

During the reading of the title, the following amendment was offered by Senator Rush:

Amend title by striking out the word "electric" in line 2 thereof.

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts—was refused adoption, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 7 was refused adoption, be postponed, and made a special order for Tuesday, February 21, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 13, the same was taken up for consideration

SENATE CONSTITUTIONAL AMENDMENT NO. 13.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

The Legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following Amendment to the Constitution of the State of California so that Section 7 of Article I of said Constitution shall read as follows:

Section 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil and criminal actions three fourths of a jury may render a verdict; *provided, however,* that in all cases where the death penalty or penalty of life imprisonment may be pronounced by the court, or where the offense is committed before the adoption of this amendment, the verdict must be unanimous. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

Senate constitutional amendment read.

During the reading of Senate Constitutional Amendment No. 13 the following amendments were offered by Senator Boynton:

In line 10, strike out "and criminal." Add in line 11 after the word "verdict" the following clause: "and in criminal actions five sixths of the jury may render a verdict."

Amendment adopted.

Also:

In line 12, strike out the word "cases" and insert in place thereof the words "criminal actions."

Amendment adopted.

Also:

Amend the title by striking out in line 4, the word "three" and inserting in place thereof the word "five,".

Amendment adopted.

Also:

Strike out in line 5 the word "fourths" and insert in place thereof the words "sixth."

Amendment adopted.

Senate Constitutional Amendment No. 13 ordered to print, engrossment, and on file.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and passed by the qualified electors of said Salinas City, at a regular municipal election held thereon on the 7th day of June, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Municipal Corporations.

STETSON, Chairman.

Assembly Concurrent Resolution No. 6 ordered re-referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following resolution:

WHEREAS, The Supreme Court of this State on or about the 23d day of January, 1911, rendered a decision in the case of the people of the State of California vs. Abraham Ruef, in which the defendant is granted a rehearing; and

WHEREAS, Various newspapers have published criticisms condemning said decision, and intimating that the justices participating therein were controlled by corrupt and unworthy motives; and

WHEREAS, The integrity of our courts has been frequently assailed by public speakers and by many of our citizens, all of which tends to destroy the confidence of the people in the purity and integrity of our courts of justice; be it

Resolved by the Senate, That the Assembly be requested to appoint a committee of the Assembly, such committee to be authorized, empowered, and instructed to investigate the whole subject-matter, and particularly to investigate said decision, the grounds upon which the decision is based and the conduct of the Justices of the Supreme Court in relation to said decision, and that the committee report to the Assembly the results of such investigation, with such recommendations as to the committee may seem meet and proper in the premises; be it further

Resolved, That said committee shall have power to summon witnesses, and to send for persons and papers and to issue subpoenas and compel attendance of witnesses when necessary.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Rules.

STETSON, Chairman.

Resolution ordered re-referred to Committee on Rules.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Also: Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Public Health and Quarantine.

STETSON, Chairman.

Senate Bills Nos. 611 and 610 ordered re-referred to Committee on Public Health and Quarantine.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 370—An Act to appropriate money for the purchase of tools and machinery for the trades of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 370 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Avey, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—32

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells, and necessary piping to connect wells with buildings, and to conduct water about the grounds, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 433 was passed, to be placed at the foot of the file.

Senate Bill No. 585—An Act making an appropriation for furnish-

ing and equipping two groups of cottages at the Southern California State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 576 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Thompson, Walker, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 365 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Sanford, Strobbridge, Thompson, Walker, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 431—An Act making an appropriation for repairs

and improvements to the plumbing system of the Mendocino State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085 and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

On motion of Senator Beban, Senate Bill No. 769 was temporarily passed on file, to retain its place.

Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Read third time,

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Strobbridge, Thompson, Walker, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Gates, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Strobbridge, Walker, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to be placed at the foot of file.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

On motion of Senator Beban, Senate Bill No. 895 was temporarily passed on file, to retain its place.

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code relating to grand juries.

Read third time.

On motion of Senator Boynton, Senate Bill No. 383 was temporarily passed on file, to retain its place.

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

On motion of Senator Boynton, Senate Bill No. 384 was temporarily passed on file, to retain its place.

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

On motion of Senator Boynton, Senate Bill No. 386 was temporarily passed on file, to retain its place.

Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

On motion of Senator Burnett, Senate bill No. 393 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION NO. 16.

Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

WHEREAS, By an Act of the Legislature of the State of California entitled "An Act relinquishing to the United States of America the title of this State to certain lands", approved March 9th, 1897, the State of California granted all its right and title in and to the parcels of land extending from high water mark out to three hundred yards below low water mark, lying adjacent and contiguous to such lands of the United States in the State of California as lie upon tidal waters and are held, occupied or reserved for military purposes or defense, lying adjacent and contiguous to any island, the title to which is in the United States, or which island is reserved by the United States for any military or naval purpose or for defense, were granted, released and ceded to the United States of America under certain terms, conditions and reservations expressed in said Act; and

WHEREAS, The title to Deadman's Island, a certain island situate in the waters of the Pacific Ocean, and being within the boundaries of the city of Los Angeles, in Los Angeles County, State of California, is in the United States, and by said Act there was granted to the United States a certain tract of land consisting of tide and submerged land surrounding said island, which said tract of land is bounded by a line distant three hundred yards out beyond low water mark at all points where the boundaries of said island touch high water mark; and

WHEREAS, Said Deadman's Island is situated on the easterly side of the main entrance channel to that portion of Los Angeles harbor formerly known as the inner harbor of San Pedro, and the said tract of land surrounding said island and so granted to the United States includes a certain parcel of submerged land situated in the city of Los Angeles, in the county of Los Angeles, State of California, more particularly described as follows:

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States on the westerly side of said channel said point being at or near

station number sixteen of said harbor line; thence southeasterly along said harbor line to station ZZ thereof; thence continuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of said harbor line; thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning; and

WHEREAS, Said parcel of land above described is one thousand eight hundred and seventy-five feet, more or less, in length along the said channel and adjacent thereto, and has a maximum width of three hundred and sixty feet, more or less, and contains approximately eleven acres of land; and said parcel of land lies adjacent to other tide and submerged lands wholly under public ownership and control, lying on the westerly side of said channel; and

WHEREAS, The city of Los Angeles has incurred a bonded indebtedness of three million dollars for the purpose of developing and improving said Los Angeles harbor, including that portion of the lands and waters thereof adjacent to said parcel of land, by the construction of docks, wharves and warehouses upon the water front of said city, the same to be owned and operated by said city, by the operating and construction of public streets and highways to the navigable waters of said harbor, and by the construction of slips, canals and other waterways; and it is now proposed to expend the proceeds of said bonds for said purposes; and said parcel of land is so situated that it is urgently required for the construction and maintenance of public docks, wharves, slips and other commercial appliances appurtenant thereto for the accommodation of commerce in said Los Angeles harbor, and for the purpose of providing the necessary frontage for and access to the same upon and from said channel and the other navigable waters of said harbor; and the use of said parcel of land for said purposes is necessary in order that the said lands adjacent to said channel on the westerly side thereof may be available also for the purposes aforesaid, in order to properly develop and improve said harbor for commercial purposes; and

WHEREAS, Said parcel of land, by reason of its location and irregular shape, is not required or suitable for any of the purposes specified in said Act, and the United States has never used and does not now use the same for any of said purposes, or for any other purpose; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the Legislature of the State of California memorializes the Congress of the United States to cede to the State of California that certain parcel of land situate in the city of Los Angeles, county of Los Angeles, State of California, heretofore referred to and more particularly described as follows:

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States on the westerly side of said channel, said point being at or near station number sixteen of said harbor line; thence southeasterly along said harbor line to station ZZ thereof; thence continuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of said harbor line; thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning;

For use for the construction and maintenance of public docks, slips and wharves, and other commercial appliances appurtenant thereto, for the accommodation of commerce in said Los Angeles harbor; and that the Government of the United States and the Secretary of War be requested not to use said parcel of land for any of the purposes specified in said Act, or for any other purpose; and be it further

Resolved. That the State of California will accept the cession and transfer from the Government of the United States of said parcel of land last above described, to be held for public purposes, to wit: for the construction and maintenance of public docks, slips and wharves, and other commercial appliances and appurtenances thereto, for the accommodation of commerce in Los Angeles harbor; and be it further

Resolved. That the State of California hereby offers to grant and relinquish to the United States its right and title to such other lands in, upon or adjacent to the waters of the said harbor, in addition to the lands heretofore granted to the United States, as shall be selected by the United States for military purposes or defense, or for such other purposes as the Government of the United States may require; and be it further

Resolved. That upon the passage of this resolution, the Secretary of the Senate be directed to forward a copy thereof to the Secretary of War and to the Senators and Representatives of the State of California, in Congress, requesting them to present the resolution to the Senate and House of Representatives.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Senate Joint Resolution No. 16 ordered engrossed, and transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

WITHDRAWAL OF BILL.

Senator Holohan asked for, and was granted, unanimous consent to withdraw Senate Bill No. 531—An Act to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other state improvement of any kind, and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909.

Senate Bill No. 531 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county, in the State of California.

On motion of Senator Estudillo, Senate Bill No. 653 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 664—An Act to validate the consolidation of certain school districts into one school district, and validate, and approve certain bonds authorized by such school districts.

Senate Bill No. 664 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

On motion of Senator Martinelli, Senate Bill No. 714 was temporarily passed on file, to retain its place.

Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and

to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 687 was temporarily passed on file, to retain its place.

Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred forty eight, in the county of San Joaquin, State of California; fixing, defining and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California, and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 777 was temporarily passed on file, to retain its place.

Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

On motion of Senator Martinelli, Senate Bill No. 776 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of the Tuolumne River for domestic and municipal purposes.

On motion of Senator Welch, Senate Joint Resolution No. 18 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS.

Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Bill read second time, ordered engrossed, and on file for third reading.

UNFINISHED BUSINESS.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

On motion of Senator Campbell, Senate Bill No. 79 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to take up Senate Bill No. 112 for consideration out of order, for the purpose of amendment.

Senate Bill No. 112—An Act to provide for an annual convention

of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Hurd as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the words "the duty of the city street superintendent and county road commissioners to attend such convention", and inserting in lieu thereof the following: "optional with the board of supervisors of a county or the city council or board of trustees of a city to appoint a county road commissioner or a city street superintendent as a delegate to such convention".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 112, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendment adopted.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 892—An Act relating to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control in the interests of commerce and navigation.

Also: Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Judiciary Committee.

WELCH, Chairman.

Senate Bill No. 892 ordered re-referred to Committee on Judiciary.

Assembly Bill No. 625 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1020—An Act to provide for the payment of a license tax upon each person, firm, or corporation engaging in the business of selling or disposing of distilled spirit wines or malt liquors or intoxicating liquors, and providing a penalty for the violation thereof, and providing for the regulation of the liquor traffic in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Revenue and Taxation.

WELCH, Chairman.

Senate Bill No. 1020 ordered re-referred to Committee on Revenue and Taxation.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor—have had the

same under consideration, and respectfully report the same back and recommend that it do pass as amended, and be re-referred to Committee on Finance.

STROBRIDGE, Chairman.

Senate Bill No. 921 ordered re-referred to Committee on Finance.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses present the following resolution:

WHEREAS, The Senate Committee on Contingent Expenses has been informed by the Secretary of the Senate that the money heretofore furnished him for the use of the Secretary's desk for stamps, expressage and postage (as distinguished from the stamp account of the Senate mailing clerk) has been exhausted, therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of one hundred (\$100.00) dollars for stamps, expressage and postage, for the use of the Secretary's desk, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Hurd, Juddard, Larkins, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Thomas Jacobs, of Visalia.

On request of Senator Hare, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. S. Clarke and George W. LeMoin, both of Lodi.

On request of Senator Beban, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Julian Sontag, of San Francisco.

On request of Senator Hare, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to M. A. Patterson, P. H. Griffin, and W. J. Woodward, all of Modesto.

On request of Senator Beban, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to John F. O'Brien, of San Francisco.

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. A. Walters, of San Francisco, and J. J. Breslan, of Sacramento.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER)

Senator Martinelli offered and sent to the desk for introduction a bill.

Bill ordered referred to Committee on Introduction of Bills.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Boynton, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 14 and 15, of the printed bill, strike out the words "or amendments thereof", and insert in lieu thereof the following: "and all Acts amendatory thereof or supplementary thereto".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

Bill read second time, and ordered on file for third reading.

CALL OF THE SENATE.

Senator Boynton moved a call of the Senate.

Motion carried.

Time, two o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Finn, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, and Wolfe. 26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and twenty minutes P. M., Senators Burnett, Regan, and Roseberry were brought to the bar of the Senate, and, on motion of Senator Hurd, they were excused for absence from the Senate Chamber.

At two o'clock and twenty-two minutes P. M., Senator Behan was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate Chamber.

At two o'clock and twenty-five minutes P. M., Senators Tyrrell, Hans, Cartwright, and Finn were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At two o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

SUSPENSION OF RULES.

Senator Bryant moved that No. 63 of the standing rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third reading file of Assembly bills was taken up.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626⁹ thereof, relating to tree squirrels.

Read third time.

On motion of Senator Cartwright, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Read third time.

On motion of Senator Stetson, Assembly Bill No. 799 was temporarily passed on file, to retain its place.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653^c, relating to blacklisting.

On motion of Senator Stetson, Assembly Bill No. 604 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-

five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Hurd, Assembly Bill No. 473 was temporarily passed on file, to retain its place.

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 881 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Gates, Hans, Harb, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Stenbridge, Tyrrell, Walker, Welch, and Wolfe—24.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 999 finally passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Gates, Hans, Harb, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stenbridge, Stetson, Walker, Welch, and Wolfe—23.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti,

Cartwright, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Welch, and Wolfe—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Read third time.

The question being on the passage of the bill.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Wolfe asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 888.

Whereupon the President announced that Assembly Bill No. 888 was finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Gates, Hans, Hewitt, Hurd, Larkins, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 889—An Act to amend section 41 of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 889 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, and Welch—22.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 195 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, and Wolfe—28.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city," and providing the procedure therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 654 finally passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 25 read first time, and referred to Committee on Public Morals.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendment to Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government—and respectfully request your honorable body to recede therefrom.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following amendment to Assembly Joint Resolution No. 1?"

On page 2, line 23, strike out the word "instructed", and insert in lieu thereof the word: "requested".

The roll was called, and the Senate receded from its amendment to Assembly Joint Resolution No. 1 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—28.

NOES—Senators Larkins and Wright—2.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER.)

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved. That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expenses, not exceeding two hundred dollars (\$200), incurred, to be paid equally by the Assembly and Senate out of their contingent funds.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BURNETT, Chairman.

Assembly Joint Resolution No. 13 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 16—An Act providing for the support of the high schools—have had the same under consideration, and respectfully report the same back without recommendation, and be re-referred to Committee on Revenue and Taxation.

STROBRIDGE, Chairman.

Senate Bill No. 16 ordered re-referred to Committee on Revenue and Taxation.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cutten:

Resolved. That the State Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of ninety-eight dollars and seventy-five cents (\$98.75) out of the contingent fund of the Senate, and the State Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee for Lincoln Memorial exercises, which were held on Monday evening, February 13, 1911, in the Assembly chamber, itemized account of which is as follows:

Printing programs -----	\$12 50
Music (including piano rental) -----	35 00
Decorations -----	37 50
Plants -----	6 25
Labor -----	7 50
	<hr/> \$98 75

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other cor-

porations for the benefit of the State, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 13 ordered on file for second reading.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended, and that Senate Bill No. 13 be taken up at this time on second reading, for the purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

Senate Bill No. 13—An Act to provide for the separation of state from county taxation.

During second reading of the bill, the following amendment was submitted by committee:

Amend Senate Bill No. 13 by striking all out of the printed bill after the comma following the word "steamboat", on line 7, page 1, of printed bill, and insert in lieu thereof the following: "vessel, or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies, and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be assessed and levied by the State Board of Equalization, and collected in the manner hereinafter provided. The word "company" and the word "companies" as used in this Act shall include persons, partnerships, joint stock associations, companies, and corporations.

SEC. 2. All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-leasing, and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel, or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-leasing, and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property and business above enumerated of such companies except as otherwise provided in section fourteen of article thirteen of the Constitution of this State, and as provided in section twenty-two of article four of said Constitution.

The word "municipal" as used in this Act shall apply to incorporated towns and cities formed under article eleven of the Constitution of this State and to none other.

SEC. 3. Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property and business of such companies, including licenses upon their agents, except county and

municipal taxes on real estate, and except as otherwise provided in the Constitution of this State; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed by the insurance commissioner upon insurance companies of such other state or country doing business in this State.

Sec. 4. The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization, in the manner hereinafter provided, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon such shares of stock and upon the property and business of such bank, except county and municipal taxes on real estate and except as otherwise provided in the Constitution of this State. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of land and real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the future; and at the time hereinafter provided, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the same manner as above provided for incorporated banks, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this section. In the case of a branch, an agency, or other representative of any bank doing business outside of this State, the capital of said branch, agency, or representative used in this State shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March. The value of said property shall be determined by taking the entire property invested in such business, together with all reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank or banker and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property and business of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate, and except as otherwise provided in the Constitution of this State. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this section. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this section, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this Act shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

Nothing in this Act shall be construed to relieve any bank in this State from the payment of the charges for examination as provided in Section 123 of an Act entitled "An Act to define and regulate the business of banking", approved March 1st, 1909, or in any Acts amendatory thereof.

Sec. 5. All franchises, other than those of the companies mentioned in sections two, three and four of this Act, shall be assessed at their actual cash value, in the manner hereinafter provided, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State. These franchises shall include the right to be a corporation and to do

business as a corporation under the laws of this State and the right to do business as a corporation in this State when such right is exercised by a corporation incorporated under the laws of any other state or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil, or other substances; and furthermore all rights and privileges conferred by any branch of government, state, county, or municipal, on individuals, firms, associations, or corporations, which do not belong to the citizens of the State generally by common right.

Nothing in this section contained shall be construed to release any corporation, other than those corporations mentioned in sections two, three and four of this Act, from the payment of the annual license tax as provided for by an Act entitled: "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act" approved March 20, 1905, and the Acts amendatory thereof.

SEC. 6. Nothing in this Act shall be construed to release any company from the payment of any amount agreed to be paid or required by law to be paid, now or hereafter, for any special privilege or franchise granted by any of the municipal authorities of this State.

SEC. 7. The term "gross receipts from operation" as used in section two of this Act is hereby defined to include, for the purpose of fixing the amount of the tax on the property and franchises of the companies enumerated in said section, all sums received from business done within this State, during the year ending the thirty-first day of December next preceding, including the company's proportion of gross receipts from business done by it within this State, in connection with other companies from any and all sources.

In the case of companies engaged in interstate business the amount of gross receipts to be considered as the gross receipts within this State shall include all receipts from business beginning and ending within this State and that proportion of the receipts from the interstate business which the mileage over which such business is done in this State bears to the total mileage over which such business is done.

No deduction shall be allowed from the gross receipts from operation for commissions, rebates, or other repayments, except only such refunds as arise from errors or overcharges; nor shall any deduction be allowed for payments from gross receipts to other companies for any purpose whatsoever, except such refunds as arise from errors or overcharges.

Income derived from property not defined in this Act as operative property shall not be included in the gross receipts for the purpose of determining the tax on the property and franchises provided for in section two of this Act.

SEC. 8. 1. The term "operative property" as used in this Act shall include:

(a) In the case of railroad companies, including street railways: The franchises, roadway, roadbed, rails, rolling stock, rights of way, sidings, spur tracks, switches, signal systems, cranes and structures used in loading and unloading cars, fences along the right of way, poles, wires, conduits, power lines, piers, used exclusively in the operation of the railroad business, depot grounds and buildings, ferryboats, tugs and car-floats used exclusively in the operation of the railroad business; machine shops, repair shops, round houses, car barns, power houses, substations, and other buildings used in the operation of the railroad business, and so much of the land on which said shops, houses, barns, and other buildings are situate as may be required for the convenient use and occupation of said buildings.

(b) In the case of sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading, and other car companies operating upon railroads in this State: The franchises, cars, and other rolling stock.

(c) In the case of companies doing express business of any railroad, steamboat, vessel, or stage line in this State: The franchises, cars, trucks, wagons, horses, harness, and safes.

(d) In the case of telegraph and telephone companies doing business in this State: The franchises, rights of way, poles, wires, pipes, conduits, cables, switchboards, telegraph and telephone instruments, batteries, generators, and other electrical appliances, and exchange and other buildings used in the telegraph and telephone business and so much of the land on which said buildings are situate as may be required for the convenient use and occupation of said buildings.

(e) In the case of companies engaged in the transmission or sale of gas or electricity: The franchises, towers, poles, wires, pipes, canals, tunnels, ditches, flumes, aqueducts, conduits, rights of way, dams, reservoirs, water and water rights used exclusively in the business of the transmission or sale of gas or electricity, transformers, substations, gas holders, gas and electric generators, switches, switchboards, meters, electrical and gas appliances, oil tanks, power plants, power houses, and other buildings and structures used in the operation of the business of the transmission and sale of gas and electricity and so much of the land on which said build-

ings and structures are situate as may be required for the convenient use and occupation of said buildings.

Provided, that the operative property of the companies enumerated in this section shall also include any other property not above enumerated that may be reasonably necessary for use by said companies exclusively in the operation and conduct of the particular kinds of business enumerated in section two of this Act.

The operative property mentioned in subdivisions (a), (b), (c), (d), and (e), of this section shall not be subject to taxation for county, municipal, or district purposes except as otherwise provided for in the constitution and laws of this State.

Provided, however, that when any piece or parcel of property in this State owned by any of the companies mentioned in section two of this Act is used partially by such company for any use reasonably necessary to the operation of any of the lines of business enumerated in section two of this Act, and such property is also partially rented to or used by others, or is partially used by the company for some other lines of business not among those so enumerated, or for purposes not reasonably necessary to the operation of any of said enumerated lines of business, it shall be considered operative property in that proportion only which that part of the property mentioned in this proviso used by the company in the operation of any of said enumerated lines of business bears to the whole of the property mentioned in this proviso.

2. Any property of the classes mentioned in this section owned by a company constructing a new railroad, street railway, telegraph or telephone system, or plant or system for the transmission or sale of gas or electricity, no part of which new road, line, plant, or system is in operation, and the same classes of property when held by an operating company solely for the construction of a new railroad or railway line, a new telegraph or telephone system, or a new plant or system for the transmission or sale of gas or electricity, and not to be used for betterments or additions to roads, lines, plants, or systems already under operation, shall not be considered operative property and shall be subject to assessment and taxation for county, municipal and district purposes. The property of any company mentioned in this section shall be deemed to be in operation as to such part of the new road, line, plant, or system as may be in use as soon as it offers and renders service to the public for compensation.

3. When any property in this State belonging to a company of the classes named in this section is rendering no service to the public in this State, even though it may be rendering service to the public in some other state or states, such property shall not be considered as operative property, and shall be subject to assessment and taxation for county, municipal, and district purposes.

4. The State Board of Equalization shall have power to make rules and issue instructions not inconsistent with the Constitution and laws of this State for the guidance of assessors in determining what is operative property and what is non-operative property of companies named in this Section.

SEC. 9. Such person, officer, or officers as the State Board of Equalization may designate, of each of the companies mentioned in section two of this Act, shall, on or before the first Monday in March of each year, file with the said board a report signed and sworn to by one or more of said persons or officers, showing in detail for the year ending the thirty-first day of December last preceding, the various items as follows:

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory, or country organized, the nature of its business, the location of its principal place of business, the names and post office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and post office address of its chief officer or managing agent in this State, and the names and addresses of all subsidiary companies whose property and business are operated by it.

2. Each of the companies mentioned in section two of this Act shall report, in such detail as the State Board of Equalization shall prescribe, all of its property in this State which comes under the definition of operative property in section eight of this Act. When any such company operates both within and without this State it shall report the mileage over which it operates both within and without this State. It shall also report the location of said property within this State by counties, cities and counties, municipalities, and districts, in such manner and in such detail as said board of equalization shall prescribe. It shall also, at the same time, furnish a duplicate of the report covering so much of said property as is located in any county, city and county, municipality, or district, to the assessor of the county, city and county, city, or district in which such property is located.

The State Board of Equalization may require the filing in its office of maps descriptive of all the operative property of any such companies, and may prescribe the form and size of such maps and the details to be shown therein, and may require that similar maps descriptive of the operative property within each county, city and county, municipality, or district, shall be filed in the assessor's office in each county, city and county, city, or district in which any of said property is located.

3. The amount of capital stock issued, and the amount of money received therefor, showing separately the capital stock issued and the money received therefor of the operating company and of each subsidiary company in this State.

4. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the State Board of Equalization may determine, those of the operating company and of each subsidiary company in this State to be shown separately.

5. The funded and floating debts and the rate of interest thereon, showing separately the debts of the operating company and of each subsidiary company in this State, on the thirty-first day of December last preceding.

6. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the State Board of Equalization shall prescribe.

7. The amounts expended for improvements during the year ending the thirty-first day of December last preceding, how expended and the character of the improvements.

8. The gross receipts from operation within this State for the year ending the thirty-first day of December last preceding, the gross receipts from such classes of business as the State Board of Equalization may designate, to be reported separately; also, where the property and business are partly within and partly without this State, the gross receipts for said period on all business beginning and ending entirely within this State, and that proportion of the gross receipts from all business passing through it, into, or out of this State, which the mileage within this State bears to the total mileage over which such interstate business is done as further defined in section seven of this Act.

9. The operating and other expenses.

10. The balances of profit and loss, between such periods as the State Board of Equalization may determine.

11. Such other matters as the State Board of Equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the Constitution of this State.

Each such company shall include in its report the property and business of all subsidiary companies in the same line of business whose property and business are operated by it, whether by virtue of a lease, an operating contract or agreement, or by virtue of control through the ownership of stock or otherwise, even though such subsidiary companies maintain an independent legal existence and separate accounts.

The term "subsidiary company" is hereby defined as applying to a company which is merged in the operating system of an operating company in any of the ways above stated, whose property and franchises would be taxable under section two of this Act if the same were operated independently. No separate report need be rendered by a subsidiary company whose property, franchises, and operations are fully and completely covered by the report of an operating company, unless the State Board of Equalization shall deem such a separate report necessary.

Each such company operating the property and business of a subsidiary company in some line of business to which a different percentage of the gross receipts is applied by section two of this Act from that applied by said section two to the gross receipts of the operating company, shall report such receipts of the subsidiary company separately.

SEC. 10. If any assessor finds in the report of the operative property in his county, city and county, municipality, or district, furnished to him by any of the companies as required in section nine of this Act, any piece or parcel of property which he regards as non-operative property, or partially operative and partially non-operative, he shall, within thirty days after receiving such report, notify the State Board of Equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same as non-operative property. He shall also mail a copy of the notice to the company whose property is involved. The said board shall investigate the nature of the property and its use, and, if an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the state, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision of his assessment roll, and must assess such property accordingly.

If the State Board of Equalization shall find in the report of operative property furnished to said board by any company under the provisions of section nine of this Act, any piece or parcel of property which said board regards as non-operative prop-

erty, or partially operative and partially non-operative, the board shall, within thirty days after receiving such report, notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same as non-operative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district, the property is located. If an agreement between the said board, the assessor, and the company, as to the proper classification of such property cannot be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative, or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the State, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll and must assess the property accordingly.

SEC. 11. The Insurance Commissioner of this State must on or before the last day of March in each year, make and file with the State Board of Equalization a report showing:

1. All companies, domestic and foreign, and all firms, associations, or persons, engaged in the business of insurance in this State.

2. The total amount of the gross premiums received from its business in this State by each of said companies, firms, associations, and persons during the year ending the thirty-first day of December next preceeding.

3. The amount of return premiums paid on business done in this State and the amount of reinsurance on business done in this State paid to other insurance companies or associations authorized to do business in this State, by said companies, firms, associations, and persons, during said year.

4. The amount of any county and municipal taxes paid during said year by such companies on real estate owned by them in this State, and where said real estate is located.

In making this report he shall list separately all those companies, firms, associations, or persons, which, under the second proviso in subdivision (b) of section fourteen of article thirteen of the Constitution and of section three of this Act, are subject to a tax at a rate higher than one and one-half per cent on their gross premiums, or to any additional tax or burden, and shall indicate in each case the amount and character of said tax or burden.

Every company, firm, association, or person engaged in the business of insurance in this State shall file with the Insurance Commissioner on or before the first Monday in March in each year such statements in addition to, or in modification of, the statements required to be rendered under the provisions of article sixteen of chapter three of title one of part three of the Political Code as said Insurance Commissioner shall deem necessary to enable him to prepare the report required of him in this section and said statements shall be verified in the same manner as is provided for the verification of other statements by insurance companies in section six hundred and ten of the Political Code, except that those filed by foreign companies shall be verified by the oath of the manager thereof residing within this State.

SEC. 12. The president, secretary, treasurer, cashier, or such other officer as the State Board of Equalization may determine, of every bank referred to in section fourteen of article thirteen of the Constitution of this State, shall on the first Monday in March or within ten days thereafter make and file with the State Board of Equalization a sworn statement showing the condition of said bank at the close of business on the first Monday in March, and showing the amount of its authorized capital stock, the number of shares issued, and the par value thereof, the amount received for stock issued, the amount of its surplus and undivided profits, if any, a complete list of the names and residences of its stockholders and the number of shares held by each as of record on the books of the bank at the close of business on the first Monday in March; or in the case of unincorporated banks and bankers, of banks having no capital stock and of branches, agencies, or other representatives of banks doing business outside of this State, the moneyed capital, reserve, surplus, undivided profits, and other taxable property, as further defined in section fourteen of article thirteen of the Constitution of this State, used by them in the banking business in this State, also a description of the real estate, other than mortgage interests therein, and the value of each piece thereof as assessed for the purpose of county taxation for the then current fiscal year. Branches, agencies, or other representatives of banks doing business outside of this State, shall report the average amount owed by said branches, agencies, or other representatives, to the banks of which they are branches, agencies, or representatives, during the year ending the first Monday in March, also a description of the real estate other than mortgage interests therein, and the value of each piece thereof as assessed for the purpose of county taxation for the then current fiscal year. The State Board

of Equalization shall prescribe the form of reports, the manner of their verification, and may require the submission of tax receipts, or copies thereof certified to be correct by any notary public, in order to verify the statements as to the assessed value of the real estate, and may require such further information or statements as said board may deem necessary.

SEC. 13. The Secretary of State shall before the first day of April in the year one thousand nine hundred and eleven report to the State Board of Equalization the names, principal place of business, date of incorporation, term of existence, number of charter, and the funded debt if any, and the then authorized capital stock of all corporations whether formed under the laws of this State or of some other state or country, a copy of whose articles of incorporation is on file in his office, and which are authorized to do business in this State, and at such times thereafter and as often as the State Board of Equalization shall determine, report to said board the same information concerning all new corporations whether formed under the laws of this State or of any other state or country a copy of whose articles of incorporation shall have been filed in his office together with the amount of the capital stock thereof and also the names and principal place of business of all corporations filing designation of agents or certificates of increase or decrease of capital stock in his office with the amount of the increase or decrease of the capital stock thereof.

SEC. 14. Every company, person, firm, association, or corporation subject to taxation for a franchise, as provided in section five of this Act, shall within ten days after the first Monday in March in each year make a written report to the State Board of Equalization, signed and sworn to by one or more of its officers, as the State Board may designate, containing such a concise statement or description of every franchise possessed or enjoyed on said day by such company, person, firm, association, or corporation, as the State Board of Equalization may prescribe a copy of the law, grant, ordinance, or contract under which the same is held, or if possessed or enjoyed under a general law, a reference to such law, a statement of any condition, obligation, or burden imposed upon such franchise, or under which the same is enjoyed, and containing also:

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory, or country organized, the nature of its business, the location of its principal place of business, the names and post office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and post office address of its chief officer or managing agent in this State, and the names and addresses of all subsidiary companies whose property and business are operated by it.

2. The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, and the amounts received therefor.

3. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December. Those of the operating company and of each subsidiary company in this State to be shown separately.

4. The funded and floating debts and the interest paid thereon showing separately the debts of the operating company and of any subsidiary companies in this State on the thirty-first day of December last preceding.

5. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the State Board of Equalization shall prescribe.

6. The amounts expended for improvements during the year ending the thirty-first day of December last preceding, how expended and the character of the improvements.

7. The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such classes of business as the State Board may designate, to be reported separately; also, where the property and business are partly within and partly without this State, the gross receipts for said period on all business beginning and ending entirely within this State, and that proportion of the gross receipts from all business passing through, into, or out of this State, which the mileage within this State bears to the total mileage over which such interstate business is done as further defined in section seven of this Act.

8. The operating and other expenses.

9. The balances of profit and loss, between such periods as the State Board of Equalization may determine.

10. The assessed value of its property as assessed for the current fiscal year in each county, city and county, and city in the State for the purposes of taxation.

11. Such other matters as the State Board of Equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the Constitution of this State.

The State Board of Equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section fourteen of article thirteen of the Constitution of this State.

SEC. 15. Every assessor or auditor shall, in the manner at the time and for the year required by the State Board of Equalization, report to said board upon such forms as may be prescribed by said board the valuation placed by him upon the property of any company subject to an assessment upon its franchise under the provisions of this Act.

SEC. 16. If any company mentioned in section one of this Act shall fail or refuse to furnish to the State Board of Equalization within the time prescribed in this Act the verified report provided for in this Act, the State Board of Equalization must note such failure or refusal in the record of assessments for state taxes hereinafter in this Act provided for, and must make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchises, of such company and must assess the same at the amount thus estimated, which assessment shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this Act. And if in the succeeding year any such company shall again fail or refuse to furnish the verified report required by this Act, the State Board shall make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchises of such company, which estimate shall not be less than twice the amount of the estimate made by said board in the previous year, and shall note such failure or refusal as above provided, and the said estimate so made shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this Act. In case of each succeeding consecutive failure or refusal the said board shall follow the same procedure until a true statement shall be furnished.

Any company failing or refusing to make and furnish any report prescribed in this Act or rendering a false or fraudulent report shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each such offense.

Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or be imprisoned not exceeding one year in the county jail of the county where said report was verified, or be subject to both said fine and imprisonment, at the discretion of the court.

SEC. 17. The State Board of Equalization may, for good cause shown, by order entered upon its minutes, extend for not exceeding thirty days, the time fixed in this Act for filing any report herein provided for; *provided further*, that for the year 1911 the said board may extend the period herein mentioned for not exceeding sixty days.

SEC. 18. The State Board of Equalization must meet at the State Capitol on the first Monday in March in each year, and continue in open session from day to day, Sundays and holidays excepted, until the first Monday in July. Between the first Monday in March and the third Monday before the first Monday in July the board must assess and levy the taxes upon the property and business of railroads, including street railways, whether operated in one or more counties, sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil stock, fruit, and other car-leasing and other car companies operating upon railroads in this State; every company doing express business on any railroad, steamboat, vessel, or stage line in this State; telegraph companies, telephone companies, companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and such trust companies as conduct the business of receiving money on deposit; and upon all franchises of every kind and nature; all as provided for in section fourteen of article thirteen of the Constitution of this State. The assessments must be made to the company, person, or association owning or operating the same, or, in the case of banks, banking associations, savings and loan societies and trust companies, to the stockholders therein. If the name of the owner is unknown to the board, the property and business must be assessed to unknown owners. Clerical errors occurring or appearing in the name of any company, person, association, or stockholder whose property is correctly assessed shall not invalidate the assessment. *Provided, however*, that if any bank shall by resolution of its board of directors, request the State Board of Equalization to assess to and in the name of such bank so requesting, the entire taxable value of all the shares of the capital stock of such bank, as determined by said board, instead of assessing such shares to and in the name of the individual stockholders or shareholders owning the same and that such bank will, upon being notified by said board, of such assessment thereof to said bank, and of the amount of taxes to be paid upon such assessment, pay such tax at the times when taxes assessed and levied under this Act are due and payable, and which request to assess said bank and promise to pay said tax shall be in substantially the following form:

The State Board of Equalization is hereby instructed to assess in the name of this bank and not to the individual stockholders or shareholders therein, the taxable

value of all the shares of capital stock in this bank and such bank hereby promises to pay to the State Treasurer the amount of the tax levied upon such assessment when such taxes are due and payable under the laws of this State.

By (here insert title of official signing.)

And said promise shall be binding upon such bank and collection of such taxes from such bank may be enforced in the manner and by the same method as is provided for the collection of other taxes assessed and levied under this Act.

On the third Monday before the first Monday in July the said board shall publish a notice in one daily newspaper of general circulation published at the State capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, that the assessment of property for state taxes has been completed, and that the record of assessments for state taxes will be delivered to the Controller on the first Monday in July, and that if any company, person, or association is dissatisfied with the assessment made by the board, it may, at any time before the taxes thereon shall become due and payable, apply to the board to have the same corrected in any particular. The board shall have power to correct the record of assessments for state taxes and may increase or decrease any assessment therein if in its judgment the evidence presented or obtained warrants such action.

SEC. 19. The State Board of Equalization must prepare each year a book, in one or more volumes, to be called the "record of assessments for state taxes," in which must be entered, either in writing or printing, or by both writing and printing, each assessment and levy made by said board upon the property and franchises mentioned in section one of this Act, describing the property assessed. The assessment of all railroad, including street railway, companies; all car companies; all express companies; all telegraph and telephone companies; all companies engaged in the transmission or sale of gas or electricity; all banks and bankers; all insurance companies; and all franchises shall be entered, in such separate parts of said record as the board shall prescribe. On the first Monday in July the secretary of the State Board of Equalization must deliver to the Controller of State the record of assessments for state taxes, certified to by the chairman and secretary of the board, which certificate shall be substantially as follows: "We, -----, chairman, and

-----, secretary, of the State Board of Equalization of the State of California do hereby certify that between the first Monday in March and the first Monday in July, 19--, the State Board of Equalization made diligent inquiry and examination to ascertain all property and companies subject to assessment and taxation for state purposes, as required by the Constitution of this State; that said board has faithfully complied with all the duties imposed upon it by the Constitution and laws of the State of California; that said board has not imposed any unjust or double assessment through malice or illwill, or otherwise; nor allowed any company or property to escape a just assessment through favor or reward, or otherwise."

But the failure to subscribe such certificate to such record of assessments for state taxes, or any certificate, will not in any manner affect the validity of any assessment. Such record of assessments shall constitute the warrant for the Controller to collect the taxes assessed and levied upon the property and franchises mentioned in section one of this Act.

SEC. 20. The taxes assessed and levied as provided in section fourteen of article thirteen of the Constitution of this State, and in and by the provisions of this Act, shall be due and payable on the first Monday in July in each year, and one half thereof shall be delinquent on the sixth Monday after said first Monday in July at six o'clock p. m., and unless paid prior thereto, fifteen per cent shall be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock p. m., an additional five per cent shall be added to the amount thereof; and the unpaid portion, or the remaining one-half of said taxes shall become delinquent on the first Monday in February next succeeding the day upon which they became due and payable, at six o'clock p. m.; and if not paid prior thereto five per cent shall be added to the amount thereof. *Provided*, that all taxes upon personal property when not fully secured by real property are due and payable upon assessment. When in the opinion of the State Board of Equalization any of the taxes provided for in this section are not a lien upon real property sufficient to secure the payment of the taxes, said board may direct the Controller, or his duly authorized representative, to collect the same at any time before the first Monday in August following the assessment, and the Controller may collect the taxes by seizure and sale of any property owned by the company against whom the tax is assessed.

The sale of any property so seized shall be made at public auction and of a sufficient amount of the property to pay the taxes, penalties and costs, and be made after one week's notice of the time and place of such sale given by publication in a newspaper of general circulation published in the county where the property seized is situate, or by posting of notice thereof, in said county. On payment of the price bid for any property sold, the delivery thereof with bill of sale executed by the Controller vests the title in the purchaser. The unsold portion of any property so seized, may be left at the place of sale at the risk of the owner. All of the proceeds of any such sale in excess of the taxes, penalties, and costs, must be returned to

the owner of the property sold, and until claimed must be deposited in the state treasury subject to the order of the owner, heirs, or assigns.

Within ten days after the receipt of the record of assessments for state taxes, the Controller must begin the publication of a notice to appear daily for two weeks, in one daily newspaper of general circulation published at the State capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, specifying:

1. That he has received from the State Board of Equalization the record of assessments for state taxes.

2. That the taxes therein assessed are due and payable on the first Monday in July and that one half thereof will be delinquent on the sixth Monday after the first Monday in July at six o'clock P. M., and that unless paid to the State Treasurer at the Capitol prior thereto, fifteen per cent will be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock P. M., an additional five per cent will be added to the amount thereof; and that the remaining one half of said taxes will become delinquent on the first Monday in February next succeeding the day upon which they became due and payable, at six o'clock P. M.; and if not paid to the State Treasurer at the Capitol prior thereto, five per cent will be added to the amount thereof.

SEC. 21. The taxes levied under the provisions of this Act shall constitute a lien upon all the property and franchises of every kind and nature belonging to the companies subject to taxation for state purposes, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this Act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

SEC. 22. All taxes assessed and levied as provided in this Act shall be paid to the State Treasurer, upon the order of the Controller, without deduction for any taxes assessed and levied to pay the principal and interest of any bonded indebtedness mentioned in subdivision (c) of section fourteen of article thirteen of the Constitution of this State, and the amount due to the cities, cities and counties, counties, towns, townships, and districts on account of said taxes assessed and levied for such bonded indebtedness shall be paid to said cities, cities and counties, counties, towns, townships, or districts in the manner hereinafter in this Act provided.

The Controller must mark the date of payment of any tax on the record of assessments for state taxes. He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; *provided*, that the receipt for the second half of the taxes may refer, by number or in any other intelligible manner, to the receipt given for the first half of said taxes, in lieu of a description of the property assessed.

Whenever any taxes, penalties, or costs collected and paid to the State Treasurer under the provisions of this Act, shall have been paid more than once, or shall have been erroneously or illegally collected, or when any taxes shall have been collected and paid pursuant to this Act upon a computation erroneously made by reason of clerical mistake of the officers or employees of the State Board of Equalization, or shall have been computed in a manner contrary to law, the State Board of Equalization shall certify to the State Board of Examiners the amount of such taxes, penalties, or costs, collected in excess of what was legally due, from whom they were collected or by whom paid, and if approved by said Board of Examiners, the same shall be credited to the company or person to whom it rightfully belongs, at the time of the next payment of taxes. No claim for such credit shall be so audited, approved, allowed, or paid unless presented within three years after the payment sought to be refunded.

SEC. 23. Any company, person, or association dissatisfied with any assessment made by the State Board of Equalization may bring an action against the State Treasurer for the recovery of any taxes, penalties, or costs paid on such assessment. But no such action may be brought later than the third Monday in February next following the day on which the taxes were due, nor unless such company, person or association shall have filed with the State Controller at the time of payment of such taxes a written protest stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the State Treasurer, a copy of the complaint and of the summons must be served upon the Treasurer, or his deputy. At the time the Treasurer demurs or answers, he may demand that the action be tried in the Superior Court of the county of Sacramento, which demand must be granted. The Attorney General must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

SEC. 24. Any corporation whose taxes are delinquent shall, immediately upon

such delinquency, if it be a domestic corporation, forfeit its charter to the State and if it be a foreign corporation forfeit its right to do business in this State. Within ten days after the first Monday in February, the Controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties, and costs; and that if the said taxes, penalties, and costs are not paid on or before the first Monday in March next thereafter at six o'clock P. M., the delinquent company if it be a domestic corporation will forfeit its charter to the State, and that if the delinquent company be a foreign corporation it will forfeit its right to do business in this State.

If the taxes, penalties, and costs are not paid within the time specified in said notice, the Controller shall, on said first Monday in March at six o'clock P. M., mark on the record of assessments for state taxes opposite the assessment of the delinquent company the words "charter forfeited to the State", if the delinquent company be a domestic corporation, and if the delinquent company be a foreign corporation the words "right to do business forfeited". He shall at once report to the Secretary of State the name and number of charter of each corporation whose charter or right to do business has been forfeited for non-payment of taxes, and the Secretary of State shall at once report the same to the Governor. The Governor shall forthwith issue his proclamation, declaring that the charters of such domestic corporations have been forfeited and the right of such foreign corporations to do business in this State has been forfeited. Said proclamation shall be filed immediately in the office of the Secretary of State, and the Secretary of State shall immediately cause a copy of said proclamation to be published in one issue of one daily newspaper of general circulation published at the state capital, of one daily newspaper of general circulation published in the city and county of San Francisco, and of one daily newspaper of general circulation published in the city of Los Angeles. The Secretary of State shall thereupon transmit a certified copy of the proclamation to each county clerk in this State, who shall file the same in his office. Any such corporation making subsequent payment of all taxes, penalties, and costs due the State, and in addition thereto an amount equal to the taxes levied under this Act for the year in which such forfeiture occurred, for each year subsequent to such forfeiture and to the time of such redemption shall be relieved of such forfeiture, and the Secretary of State shall annually on the first Monday in April transmit to the county clerk of each county in this State a list of the corporations so paying, and which have been relieved of such forfeiture, which list shall be by said county clerk filed in his office.

The Controller may, within sixty days after the first Monday in March, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this Act and appearing delinquent upon the record of assessment for state taxes hereinbefore in this Act provided for. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In the case of companies whose charters or right to do business has been forfeited under the provisions of this Act, service of summons may be made upon the persons now provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the State Treasurer. In such actions the record of assessments for state taxes, or a copy of so much thereof as is applicable in said action, duly certified by the Controller, or by the secretary of the State Board of Equalization, showing unpaid taxes against any company, person or association assessed by the State Board of Equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the State, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 25. In addition to the powers and duties prescribed in the Political Code it is the duty of the State Board of Equalization, and the said board shall have power, for carrying this Act into effect:

1. To make out, prepare, and enforce the use of all forms which it shall deem necessary for the assessment of the property and the collection of the taxes provided in section fourteen of article thirteen of the Constitution of this State.

2. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable it to justly assess and levy the taxes provided for in this Act.

3. To call before it, or any member thereof, or before its secretary or duly appointed representative on such visit, any officers of the county, and to require them to produce any public record, papers or documents in their custody.

4. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person.

5. To require any person having knowledge of the business of any of the companies mentioned in section fourteen of article thirteen of the Constitution of this State, or having the custody of the books and accounts of such companies, to appear before the board or any member thereof, or before the secretary or the duly appointed representative of said board and bring with him for inspection any books, or papers, of such company in his possession or under his control, and to testify and, with touching any matter relating to the organization or business of such company. A member of the board, or its secretary or duly appointed representative is authorized to administer such oath.

6. Said Board of Equalization is hereby authorized and empowered to examine the books and accounts of all companies required by law to report to it and to employ an expert accountant or accountants to assist in the examination, or the books and accounts of any company when in the judgment of the said board the exigencies of the case may so require.

7. It shall be unlawful for any member of the State Board of Equalization, or for any agent employed by it, or for the county, or for any person employed by him to divulge or make known in any manner whatever not provided by law any of the following items of information concerning the business affairs of companies reporting to the said board.

(a) Any information concerning the business affairs of any company which is gained during an examination of its books and accounts or in any other manner, and which information is not required to be reported to the State Board of Equalization in the reports or statements provided for in paragraphs numbered one to ten of section nine and paragraphs numbered one to ten of section fourteen of this Act.

(b) Any information, other than the assessment and the amount of taxes levied, obtained by the State Board of Equalization in accordance with the provisions of this Act, from any company other than any of those enumerated in sections two, three and four of this Act.

(c) Any particular item or items of information relating to the disposition of its earnings contained in the report of a quasi public corporation which any such corporation may, by written communication specifying the items and presented at the time when it files its report, request shall be treated as confidential.

Provided, however, that if the Governor shall direct that any of the information herein referred to be made public, then it shall no longer be unlawful to divulge or make known the same.

Any violation of the provisions of this subdivision shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

SEC. 26. On the second Monday in August of each year the auditor of each county must report to the State Board of Equalization, in addition to the items required to be so reported by him under section three thousand seven hundred and twenty-eight of the Political Code, the value of each piece of real estate other than mortgage interests herein belonging to each bank in his county as assessed and equalized for purposes of county taxation. Whenever the State Board of Equalization is satisfied after investigation that any county assessor, or board of equalization, has assessed any real estate belonging to any bank above its full cash value and has thereby unjustly reduced the amount of taxes due the State from said bank, the State Board shall, under such rules of notice to the clerk of the board of supervisors of the county affected thereby as the said State Board shall deem reasonable, equalize the assessed value of such real estate and shall upon completion of said equalization issue an order to said assessor or board of equalization and to the county auditor of the county in which said real estate is located, fixing the assessed value of said real estate. The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county taxes, of such real estate, and the sole basis of taxation upon such real estate for county taxes. A copy of the order certified by the secretary of the State Board of Equalization shall be prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the order.

SEC. 27. The State Board of Equalization shall immediately after the county and city assessments have been completed, ascertain the value of any real estate belonging to any insurance company as assessed and equalized for purposes of county and of city taxation. Whenever the State Board of Equalization is satisfied after investigation that any county, city and county, city, or district assessor, or board of equalization, has assessed any real estate belonging to any insurance company above its full cash value and has thereby unjustly reduced the amount of taxes due the State from said insurance company, said State Board shall, under such rules of notice to the clerk of the board of supervisors of the county or the proper officer of the city affected as the board shall deem reasonable, equalize the assessed value of such real estate and shall upon the completion of said equalization, issue an order to said assessor or board of equalization and to the county, city and county, city, or district auditor or clerk of the county, city and county,

city, or district in which said real estate is located, fixing the assessed value of said real estate. The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county, city and county, city, or district taxes, of such real estate, and the sole basis of taxation upon such real estate, for county, municipal and district taxes. A copy of the order certified by the secretary of the State Board of Equalization shall be prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the order.

SEC. 28. Each county, city and county, city, and district assessor must segregate on his assessment roll, as directed by the State Board of Equalization:

1. The assessments made by the State Board of Equalization, and apportioned to the county, city and county, city, town, township, or district, upon the franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State under the provisions of the Political Code as the same existed and were in force on the seventh day of November in the year one thousand nine hundred and ten; and

2. The assessments made by said assessors of any other property enumerated in subdivision (a), (b), and (d) of section fourteen of article thirteen of the Constitution of this State, which is located in the county, or city and county, or any city, town, township, or district in which it is subject to taxation for paying the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (c) of section fourteen of article thirteen of the Constitution of this State.

Immediately upon completion of the assessment and equalization of property for the purposes of taxation in each year the auditor or clerk of each county, city and county, city, town, or district must transmit to the State Board of Equalization a duplicate of that part of the assessment roll containing the assessments and apportionments referred to in paragraphs one and two of this section.

Whenever the State Board of equalization is satisfied after investigation that any county, city, or other assessor, or board of equalization, has assessed for taxation to pay the principal and interest of any bonded indebtedness created and outstanding by any county, city and county, city, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (c) of section fourteen of article thirteen of the Constitution of this State, any of the property taxed exclusively for state purposes as provided in subdivisions (a), (b), and (d) of section fourteen of article thirteen of the constitution of this State, or has assessed for purposes of county, city and county, city, or district taxation the property other than the franchise of any company taxable for a franchise under subdivision (d) of said section and article of the Constitution, above its full cash value and has thereby unjustly reduced the amount of taxes due the State on such property, said State board shall, under such rules of notice to the clerk of the board of supervisors of the county, or city and county, or to the city clerk of the city, affected thereby as the board shall deem reasonable, equalize the assessed value of such property, and shall issue an order to said assessor or board of equalization and to the county or city auditor or clerk of the county, city and county, city, or city in which the property is located, fixing the assessed value of such property. The value so equalized and assessed, and no other, shall be deemed the value of said property, and its assessment for taxes levied to pay the principal and interest of any such outstanding bonded indebtedness, and in the case of companies taxable for a franchise under said subdivision (d) of said section and article of the Constitution shall be deemed the value of the said property, and its assessment for taxes for county, city and county, municipal and district purposes.

When making the tax levy and fixing the rates of taxation for county, city and county, city, town, township, or district purposes, the board of supervisors of any county, or city and county, and the corresponding authority in any city, having bonded indebtedness issued and outstanding on the eighth day of November in the year one thousand nine hundred and ten, shall fix the tax rate for such bonded indebtedness separate and apart from all other tax rates, whether for subsequent bonded indebtedness or for other purposes.

The county, city and county, or city auditor or clerk shall extend on the assessment roll against the assessments segregated as herein provided, the taxes necessary to pay the principal and interest of said bonded indebtedness at the same rate as said taxes for payment of principal and interest of said outstanding bonded indebtedness shall be levied upon the other classes of property within the same county, city and county, city, town, township, or district, and the amount of each such taxes shall be certified by said auditor or clerk to the Controller and the amount so certified shall then be credited by the Controller to the county, city and county, city, town, township, or district to which it is due; and said amount shall be paid by said Controller to the Treasurer of such county, or city and county as provided in section twenty-nine of this Act, and upon such payment said Treasurer shall forthwith certify such fact to the tax collector who shall thereupon mark upon the assessment roll the date of payment and the words "paid by the State Treasurer," and pro-

vided, further, that the city clerk or auditor shall in the certificate mentioned in this paragraph also state the date when taxes in such city shall become delinquent.

Sec. 29. The Controller shall out of the taxes collected by him as provided in this Act credit to the fund created by an Act of the thirty-ninth session of the Legislature entitled: "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district on the eighth day of November in the year one thousand nine hundred and ten, which is provided for in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,' the money due to each county, city and county, city, town, township, or district on account of taxes to pay the principal and interest of bonded indebtedness created and outstanding on the eighth day of November in the year one thousand nine hundred and ten." The Controller shall in the months of October and March in each year settle with the treasurer of each county and city and county for the money collected by him under this section in the same manner as settlements are made between the county or city and county treasurers and the Controller as provided for in section three thousand eight hundred and sixty-six of the Political Code. The Controller shall at the same time settle with each city for the moneys due such city for the purposes mentioned in this section, and when ready for such settlement notify the city treasurer of the amount of money due the city for said purposes, and that upon receipt of proper authority so to do, he will forward to said city treasurer a warrant for the amount due, provided, however, that upon receipt of notice from any such city treasurer that any bond issue matures for principal or interest before the date of such settlement, which notice shall state the amount thereof due from the State and the date of maturity, and that said amount due from the State is required in order to pay the same, the said Controller must, before said date of maturity, forward his warrant to such city treasurer in the manner above provided for the amount ascertained by him to be due.

An excess paid by the Controller to a county, city and county, city, town or district, over and above the State's share of the amount actually expended by such county, city and county, city, town, or district, to pay the interest and principal of said bonded indebtedness in any year, shall be repaid to the State in such manner as the Controller shall direct. The word "district" as used in this section shall include road districts and school districts but none other.

Sec. 30. Until the year one thousand nine hundred and eighteen the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation in the manner, at the times, and in the amounts specified in an Act of the thirty-ninth session of the Legislature entitled "An Act to provide for the reimbursement of counties in this State which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State."

Sec. 31. The provisions of section three thousand eight hundred and seventy-six of the Political Code shall not apply to the settlements made with the State treasury under sections twenty-nine and thirty of this Act, but the county board of supervisors may if it deem necessary allow the county treasurer the actual expenses incurred in collecting the money due the county from the State.

Sec. 32. The board of supervisors of each county shall in the month of September of each year determine the amount of loss to each district in the county where loss is occasioned in such district by the withdrawal from local taxation of property taxed for state purposes only, and in the month of December next thereafter shall reimburse such district from the general funds of the county for one half of such loss, and in the month of May next thereafter shall reimburse such district from the general fund of the county for the remaining one half of such loss. The word "district" as used in this section shall apply to and include municipalities of every class, school, library, road, reclamation, irrigation, protection, storm water, levee, lighting and sanitary districts, and any other district organized or existing, which under the provisions of any law of this State exercises or is empowered to exercise any of the functions of a municipal, quasi-municipal or public corporation.

Sec. 33. Any tax required to be levied for state purposes are provided in subdivision (c) of section fourteen of article thirteen of the Constitution as amended the eighth day of November in the year one thousand nine hundred and ten, to meet any deficiency in the state revenue shall be assessed, levied and collected on all property in the State, not exempt from taxation including the classes of property enumerated in this Act, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred and ten.

SEC. 34. Nothing in this Act shall be construed as repealing any laws in force prior to the eighth day of November in the year one thousand nine hundred and ten, relating to taxation, in so far as said laws may be necessary for the assessment, levy, and collection of state, county, city and county, municipal or district taxes, or in so far as said laws may be necessary for the assessment, levy and collection of the taxes provided for in section twenty-two of article four of the Constitution as amended on the eighth day of November in the year one thousand nine hundred and ten, or in so far as said laws may be necessary for the assessment, levy and collection of the taxes for state purposes, on all the property in the State, not exempt from taxation, to meet a deficiency in the revenues for the support of the state government, or to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, both as provided in subdivision (c) of section fourteen of article thirteen of the Constitution as amended on the eighth day of November in the year one thousand nine hundred and ten.

SEC. 35. This Act shall take effect immediately.

Amendment adopted.

MOTION.

Senator Curtin moved that Senate Bill No. 13 be sent to print, and retain its place on the second reading file.

Motion carried.

Senate Bill No. 13 ordered to print and on file for second reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON REVENUE AND TAXATION

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1052, an Act amending section four thousand three hundred and thirty of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section twenty-two of article four of the Constitution of the State, and as provided in section (c) of section fourteen of article thirteen of the Constitution of the State, and as amended on the eighth day of November in the year one thousand nine hundred and ten, providing for the separation of state from local taxation, and providing for the payment of principal and interest on the bonds of the State, do hereby report the same, and recommend that it do pass as amended.

BLACK. Chairman.

Senate Bill 1052 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up for consideration Senate Bill No. 79 on the files as unfinished business.

Senate Bill No. 79—An Act to amend Section 4362 of the Political Code of the State of California, relating to the county clerk's fees.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Canaday moved to refer to Senator Black as a special committee of one, to amend as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "SECTION 1. Section four thousand three hundred and thirty of the Political Code of the State of California is hereby amended so as to read as follows:

4300a. On the commencement of any action or proceeding, or the filing of a transfer from another county, in the Superior Court, or on an appeal thereto, except probate or adoption proceedings, to be paid by the party commencing such action or proceeding, or taking such appeal, eight dollars, and two dollars, law library fees.

On the filing of each petition for letters of administration, testamentary, guardianship, or special letters of administration, to be paid by the petitioner, five dollars, and one dollar law library fee.

For issuing an execution, writ for possession, or order of sale in any action, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, except certifying to copies, to and including the making up of the judgment roll.

For filing and docking abstract of judgment from court of justice of the peace, one dollar.

On filing a petition to contest any will or codicil, three dollars.

On filing of any notice of motion to move for a new trial of any civil action, or proceeding, the party filing the same shall pay to the clerk in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, except certificate to copy, twenty-five cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal or adoption case, except for copies or certificates thereof.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing a marriage license, including affidavit, one-half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, certificates of increase or diminution of capital stock, or directors, certificate of bonded indebtedness or change of business, or certified or amended copies thereof, one dollar.

For filing and indexing certificates of copartnership, one dollar.

For filing all papers to be kept by him, other than papers filed in action or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing, registering or recording any license required by law, when not otherwise provided for, one dollar.

For examining and certifying to a copy of any paper, record or proceeding prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For taking any affidavit, except in criminal cases, twenty-five cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents.

For filing notices of appeal and appeal bonds, each, fifty cents."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 passed by the following vote:

AYES—Senators Beban, Bills, Bindsall, Black, Bryant, Barnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roscherry, Rush, Shanahan, Strobeidge, Thompson, Tyrrell, Waiker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BELL IN THE CHAIR.

At three o'clock and twenty minutes P. M., Senator Bell, of the Thirty-sixth District, in the chair.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Larkins asked for, and was granted, unanimous consent that the Committee on Labor, Capital and Immigration be granted the use of the Senate chamber on Thursday, February 16, 1911, at eight o'clock P. M., for a public hearing on Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any females to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 409, "An Act to amend an Act entitled 'An Act to provide for public cemetery districts,' approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

REGAN, Chairman.

Senate Bill No. 409 ordered on file for second reading.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Stetson asked for, and was granted, unanimous consent that the Committee on Judiciary be granted the use of the Senate Chamber on Tuesday, February 21, 1911, at eight o'clock P. M., for a public hearing on Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service—have had the same under consideration, and respectfully report the same back and recommend that same do pass and be re-referred to Committee on Finance.

BEBAN, Chairman.

Senate Bill No. 1031 ordered re-referred to Committee on Finance.

PRESENTATION OF BILLS, ETC.—(OUT OF ORDER).

Senator Estudillo offered and sent to the desk for introduction a bill. Bill ordered referred to Committee on Introduction of Bills.

WITHDRAWAL OF BILLS.

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Senate Bill No. 687—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 777—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Senate Bill No. 776—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Senate Bills Nos. 687, 777 and 776 withdrawn, and ordered stricken from the file.

QUESTION OF PERSONAL PRIVILEGE.

Senator Beban arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Owing to the fact that I was unavoidably absent from the Senate Chamber at the time of the roll call on Senate Bill No. 190, I was unable to record my vote in favor of this bill, which I would have done had I been present.

Also:

Senator Finn arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Not being present at the time of roll call on Senate Bill No. 190, being unavoidably absent from the Senate Chamber, I was unable to cast my vote in favor of this measure, but would have done so had I been present at that time.

Also:

Senator Hare arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Being absent from the Senate Chamber at the time of the roll call on Senate Bill No. 190, I was unable to cast my vote in favor of this bill, which I certainly would have done had I been present at that time.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 456—An Act to amend Section 6324 of the Penal Code relating to steelhead trout.

Also: Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by State or county.

Also: Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Also: Senate Bill No. 774—An Act providing for the time of payment of wages.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 456, 529, 773 and 774 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine L, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred eighty-seven of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal sections four thousand two hundred forty-three a, four thousand two hundred and fifty a, four thousand two hundred seventy-one a and four thousand two hundred eighty-one a of said Political Code.

Also: Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the California Big Trees.

Also: Senate Joint Resolution No. 8—Relative to National forest situated within the State of California, and requesting the War Department of the United States to station and maintain Federal troops in such National forest during certain months.

Also: Senate Joint Resolution No. 11—Relative to the continuation by the United States of surveys for the construction of storage reservoir sites for the impounding of flood waters in the Sierra Nevada Mountains in the State of California, and asking that an appropriation be made for forwarding the work as speedily as possible.

Also: Senate Joint Resolution No. 15—Relative to the plague and famine existing in China and Manchuria.

Also: Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the state's standard of weights and measures furnished under the provisions of this Act.

Also: Senate Bill No. 718—An Act to add a new section to the Penal Code of the State of California to be known as Section 21836, relating to the admission of voluntary patients to state hospitals.

Also: Senate Bill No. 745—An Act to amend sections nineteen, hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Also: Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for agricultural purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Also: Senate Bill No. 876—An Act to amend Section 1303 of the Code of Civil Procedure, relating to the notice of petition for probate of will.

Also: Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Also: Senate Bill No. 878—An Act to amend Section 1967 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Also: Senate Bill No. 879—An Act to add a new section to the Code of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Also: Senate Bill No. 896—An Act to amend sections one, two, fourteen, and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Also: Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also: Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also: Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also: Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1321, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also: Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Also: Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, relating to certificates of acknowledgment and jurats.

Also: Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Also: Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 937, 31, 718, 745, 870, 876, 877, 878, 879, 896, 900, 909, 911, 368, 371, 385, 387, 388, 390, 391, 394, 395, 619, 635, 894, 615, 959, 986, 1018, and 1019 ordered on file for third reading.

Senate Joint Resolutions Nos. 6, 8, 11, and 15 ordered transmitted to Assembly.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 17, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shaughan, Stetson, Strobridge, Thompson, Tyrnell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

LEAVES OF ABSENCE.

Senator Martinelli was, on motion of Senator Hans, granted leave of absence for this day.

Senator Campbell was, on motion of Senator Holohan, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 16, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF SENATE FLOOR EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to William H Spalding, of Los Angeles, and M. T U'Ren, of San Francisco.

On request of Senator Juilliard, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to S. B. Wright, of Santa Rosa.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to P. J. Drehr, of Pomona.

On request of Senator Avey, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. and Mrs. Jones, of Etwanda.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Rogers and George J. Gianini, both of San Francisco.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. R. B. Griffin, of Sacramento.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to William Sandboldt, of Monterey.

On request of Senator Hurd, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. M. Oliver, T. C. Williams, and E. B. Gambel, all of San Francisco.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge J. L. Crittenden, of San Francisco.

On request of Senator Hare, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. W. Thompson, of Los Angeles.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to L. McGuire, of Saratoga.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Young, of Stockton.

On request of Senator Hurd, the privilege of the floor of the Senate

Chamber, for this day, was unanimously extended to J. W. Hoyle and J. R. Coffman, both of San Francisco.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13 for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION NO. 13.

RELATIVE TO THE OBSERVANCE OF WASHINGTON'S BIRTHDAY.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved. That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expenses, not exceeding two hundred dollars (\$200), incurred, to be paid equally by the Assembly and Senate out of their contingent fund.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Avey, Bell, Black, Bryant, Burnett, Caminetti, Cartwright, Gates, Hales, Hays, Hewitt, Hoban, Hurd, Juilliard, Lewis, Roseberry, Rush, Sanford, Shanahan, Sisson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—26

NOES—None.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Assembly.

PETITIONS.

The President of the Senate presented the following petition, which was ordered printed in the Journal:

To the President of the Senate:

WHEREAS, The viticultural interests of this State rank as the fourth largest industry therein created; and

WHEREAS, Table grapes, raisins and wine can be produced as cheaply, in as large a quantity, and of the best quality on lands unsuitable for any other purposes; and

WHEREAS, Large tracts of such lands, heretofore assessed at a nominal figure of \$1.25 per acre are now planted to vines which have increased the assessed valuation from this insignificant sum of \$100 and more per acre, thus bringing a largely increased revenue to the State; and

WHEREAS, There are now over 250,000 acres in vines in this State, most of said acres being practically useless for other purposes; and

WHEREAS, Efforts are now being made to create a sentiment, which if allowed to go unchecked, would result in the depreciation of the value of the properties already improved and practically wipe out the result of years of labor and investment of nearly \$125,000,000, and work a great injury to the people of the State of California; now, therefore, be it

Resolved. By this, the State Board of Agriculture, that we strongly recommend the encouragement of the viticultural industry in this State, and that we look with positive disfavor upon the enactment of any legislation, either by the Federal Government or State Legislature, or by any counties of this State, that would discourage this most important industry, which is destined, if encouraged and fostered, to be the greatest industry of the State; and further be it

Resolved. That the secretary of this board be instructed to transmit copies of these resolutions to the Honorable the President of the Senate of the Legislature of this State, and the Honorable the Speaker of the Assembly of the Legislature of this State, with the request that earnest consideration be given thereto by the members of the Legislature of this State.

CALIFORNIA STATE BOARD OF AGRICULTURE

By J. A. FILCHER, Secretary,

Senator Wright presented the following petition, which was ordered printed in the Journal:

To the Senate of California:

We, citizens of La Mesa, San Diego County, California, most earnestly petition your honorable body to pass the local option bill now before you for consideration.

Signed: M. L. Knudtson, A. F. Starr, T. W. Donahoe, E. A. Bevins, W. E. Lyon, R. B. Stevens, W. A. Magruder, L. J. Palmateer, C. J. Plaute, Chas. W. Rodgers, F. M. Oliver, J. A. Robertson, Thos. McCarthy, W. H. Oakes, Edw. Todd, W. B. Magruder, S. C. Grable, Edw. B. Light, and R. M. Upson, of La Mesa, Cal.

Also:

To the Senate of California:

We, citizens of La Mesa, San Diego County, California, most earnestly petition your honorable body to pass the local option bill now before you for consideration.

Frank Krause, D. S. Sander, David Johnson, W. L. Maxwell, R. H. Harris, W. H. Oakes, H. M. Gibson, E. C. Upp, L. Sperbeck, Frank C. Edwards, Chas. H. Noyes, A. H. Jay, D. H. Oliver, J. C. Scott, C. T. Draper, and I. Frank Robertson, of La Mesa, Cal.

Also:

To the Senate of California:

We, citizens of La Mesa, California, most earnestly petition your honorable body to pass the local option bill.

(MRS.) HELEN M. STODDARD

President La Mesa Woman's Christian Temperance Union, comprising fifty-seven members, women, and twenty-one honorary members, men.

La Mesa, California, February 15, 1911.

Senator Gates presented the following petition, which was ordered printed in the Journal:

RESOLUTION IN RE STATE HOSPITAL, LOCATED IN LOS ANGELES.

LOS ANGELES, CALIFORNIA, February 9, 1911.

Resolved by the Board of Directors of the Los Angeles Chamber of Commerce: That we indorse Senate Bill No. 450, by Senator Gates, and Assembly Bill No. 627, by Assemblyman Butler, which bills have for their purpose an appropriation for a hospital to be erected by the State for the care of the unfortunate sick and injured of the State, the said hospital to be erected on the property of the State University Medical Department at Los Angeles.

I hereby certify that the above is a true and correct copy of the resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at its regular meeting held February 8, 1911.

JOSEPH SCOTT, President.

AUGUST FRANK WIGGINS, Secretary.

[SEAL.]

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 193—An Act to prohibit the issuance of negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 193 read first time, and ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 297—An Act to amend section fourteen, hundred and seventy-four of the Code of Civil Procedure.

Also: Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also: Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Also: Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California and prescribing a penalty for the violation of such section.

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and Folsom Prison and the disposition thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 297, 361, 362, 369, 536, 378, and 695 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

Also: Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Joint Resolution No. 10 referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 12 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Also: Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Also: Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Also: Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Also: Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Also: Assembly Bill No. 1202—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

Also: Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

MOTION.

Senator Sanford announced that Assembly Bill No. 568 is identical with Senate Bill No. 433, and moved that Assembly Bill No. 568 and Senate Bill No. 433 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 568 and Senate Bill No. 433 ordered referred to Committee on Engrossment and Enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Also: Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Also: Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 984, 956, and 1029 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 958—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Also: Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure to be known as 280d, relating to graduates of the Young Men's Christian Association Law College of San Francisco being admitted to practice without examination.

Also: Senate Bill No. 651—An Act to add a new section to the Penal Code of California to be known as section two hundred forty-seven, relating to the use of firearms.

Also: Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of the State for the insane, who shall have arrived at the age of sixty years.

Also: Senate Bill No. 953—An Act to amend the Penal Code of California, by adding new sections thereto to be numbered 270d, 270e, and 273h, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 958, 868, 651, 449, and 953 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 123—An Act providing for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Senate Bill No. 127—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 789—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be referred to the Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 123, 127, and 789 ordered re-referred to Committee on Finance.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 344—An Act to regulate the public service of stations and jacks in the State of California.

Also: Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of contributions to the Sonoma State Home.

Also: Senate Bill No. 460—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known, and numbered as Section 526a, relating to motions to discontinue, suspend, and agents of any county, town, city, or county in said State," approved March twentieth, nineteen hundred and nine.

And report that the same have been correctly engrossed, and presented the same to the Governor on the 16th day of February, 1911, at five o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 247—An Act to repeal Section 644 of the Political Code of the State of California—and report that the same has been correctly engrossed, and presented the same to the Governor on this 17th day of February, 1911, at ten o'clock and thirty minutes A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 276—An Act to amend Section 6284 of the Political Code of the State of California, relating to the protection and preservation of fish.

Also: Committee Substitute for Senate Constitutional Amendment No. 5—A proposition proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one-half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Also: Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as, "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, approved March 23, 1901.

Also: Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 682—An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Also: Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Also: Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 276, 533, 550, 682, 792, 910, and 927 ordered on file for third reading.

Committee Substitute for Senate Constitutional Amendment No. 5 ordered transmitted to the Assembly.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

ROSEBERRY, Chairman.

Assembly Bill No. 355 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 898 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of immunity, prescribing regulations therefor and fixing a license fee—have had the same under consideration, and respectfully report committee substitute back and recommend that committee substitute do pass.

ROSEBERRY, Chairman.

Senate Bill No. 1010 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

ROSEBERRY, Chairman.

Senate Bill No. 617 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the State school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

TYRRELL, Chairman.

Assembly Bill No. 781 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; provid-

ing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled 'An Act to amend section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.'" approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof, also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the Bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.'" approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

TYRRELL, Chairman.

Senate Bill No. 960 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps or weirs in

the Napa River and its tributaries in the counties of Sonoma, Napa and Solano—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 716 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 47 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

Also: Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Also Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALKER, Chairman.

Senate Bills Nos. 475, 944, and 945 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code" approved March 12, 1872, said section two thousand five hundred and twenty, relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 1170 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Senate Bill No. 456 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Bryant, Burnett, Cartwright, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Rogan, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 774—An Act providing the time of payment of wages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 774 passed by the following vote:

AYES. Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Cunningham, Curren, Wright, Critten, Estudillo, Gates, Hans, Haro, Hewitt, Holscher, Howell, Judd, Lusk, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyndal, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An Act relating to public health and safety; and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

AYES. Senators Avey, Bell, Birdsall, Black, Bryant, Cunningham, Curren, Wright, Critten, Estudillo, Gates, Hans, Haro, Hewitt, Holscher, Howell, Judd, Lusk, Lewis, Regan, Roseberry, Sanford, Thompson, Walker, Welch and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of State salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 571 was temporarily passed on file, to retain its place.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER.)

On motion of Senator Thompson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day adopted, as amended, Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to confer the same at the polls, independent of the legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature—and respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 22?"

On page 2, line 34 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face".

Also: On page 3, line 62 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face".

Also: On page 5, line 126 of the printed resolution as adopted by the Senate, strike out after the word "legislature" the balance of lines 126, 127, and 128, and insert in lieu thereof the following: " ; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate."

Also: On page 7, line 218 of the printed resolution as adopted by the Senate, strike out the following words: "freeholders' charters" and insert in lieu thereof the following: "charters adopted under the provisions of section eight of article eleven of this constitution".

Also: On page 7, line 222 of the printed resolution as adopted by the Senate, strike out the word "self-enacting" and insert in lieu thereof the word "self-executing".

Also: On page 5, line 147, of the printed resolution as adopted by the Senate, insert after the word "signature", the following: "within the county, or city and county of which he is an elector."

Also: On page 5, line 152 of the printed resolution as adopted by the Senate, insert after the word "stating", the following: "his own qualifications and".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Constitutional Amendment No. 22 by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Caminetti, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—25.

NOES—None.

Senate Constitutional Amendment No. 22 ordered to enrollment.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

On motion of Senator Estudillo, Senate Bill No. 572 was temporarily passed on file, to retain its place.

QUESTION OF PERSONAL PRIVILEGE.

Senator Shanahan arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Senate Bill No. 529 was voted on and passed in my temporary absence. I have supported and worked for this bill in committee and in the Senate and would have voted aye on its final passage, had I been present.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Curtin, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468—An Act to amend section seven hundred thirty nine of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Senate Bill No. 769 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures, and defining the powers and duties of such officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Avey, Birdsall, Black, Bryant, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 276—An Act to amend Section 628b of the Political Code of the State of California, relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Curtin, Cutten, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rose-

berry, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

On motion of Senator Walker, Senate Bill No. 635 was temporarily passed on file, to retain its place.

Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 368 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Estudillo, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 371 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Curtin, Estudillo, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

The President of the Senate announced that under the terms of Assembly Concurrent Resolution No. 13 Relative to the observation of Washington's birthday—heretofore adopted, he had appointed Senators Strobbridge, Bell and Holohan as committee from the Senate.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure

the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was passed to be placed at the foot of the file.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Senate Bill No. 895 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 937—An Act to amend sections four thousand five *a*, four thousand six, four thousand one hundred forty-nine *d*, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred and eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, and four thousand two hundred ninety of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists, and

employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists, and employees, and to repeal sections four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty-one *a* of said Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 937 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Curtin, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, providing that certificates of acknowledgments of jurats attached to instruments which have been of record for more than one year shall conclusively presume to speak the truth, in favor of bona fide holders for value thereunder who have paid taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the person who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 387 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hewitt, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Holahan, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 390 passed by the following vote:

AYES—Senators Avey, Behan, Boynton, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Sanford, Strohbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 391 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 394 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 395 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 383 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Janney and Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to convictions upon the testimony of an accomplice.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Bryant, Barnette, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Janney and Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

On motion of Senator Estudillo, Senate Bill No. 653 was passed to be placed at the foot of the file.

Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Bryant, Barnette, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Janney, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 876—An Act to amend Section 1303 of the Code of Civil Procedure, relating to the notice of petition for probate of will.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 876 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Boynton, Burnett, Caminetti, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Janney, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 877 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Burnett, Cartwright, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 878 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 879—An Act to add a new section to the Code of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cutten, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SENATOR WOLFE IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 911 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cutton, Gates, Hare, Hewitt, Holahan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Walker, Welch Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bell moved to refer to Senator Larkins as a special committee of one, to amend as follows:

In line 4 of the title, after the word "subpoena," insert the words "and depositions".

Also: In line 12, page 1, between the words "or" and "other," insert the word "any".

Also: In line 20, page 2, between the words "peace" and "within," insert the words "in places".

Also: On page 2, Section 2, line 5, between the words "as" and "contempt," insert the word "a".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 745, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARKINS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Beban moved to refer to Senator Cassidy as a special committee of one, to amend as follows:

Strike out the period at the end of line 8 in Section 1 of the printed bill, and add after the word "years" a semicolon and the following: "*provided, however, that immediately after this Act takes effect the Commander-in-Chief shall issue to each officer of the National Guard, who is then in service, except officers on the retired list, a commission for the same grade, or rank, which such officer then holds. The term of office of such officer, as provided for in Section 1 of this Act, shall commence upon the issuing of said commission. The officers so commissioned in accordance with the provisions of this section shall be exempt from the examinations provided by Section 1954 of the Political Code of California.*"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 894, with instructions to amend, respectfully reports the same back, amended as per instructions.

CASSIDY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 909 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curtin, Cutton, Esudillo, Gates, Hare, Hewitt, Holohan, Hurt, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Cutton, the hour of recess was extended five minutes.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 279—An Act to establish the California scenic highway: to define its course: to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

Also: Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Also: Senate Bill No. 377—An Act making an appropriation for the use of the crematory department of the California Polytechnic School and making provision for the return of said appropriation to the State treasury.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Senate Bill No. 787—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and thirty six one-hundredths dollars to pay the claim of F. P. Sawyer against the State of California.

Also: Senate Bill No. 625—An Act to amend section two thousand nine hundred and eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 381—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also: Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, defining his duties and fixing his compensation, and providing for the payment thereof.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 408, 279, 548, 933, 377, 626, 787, 778, 625 and 381 ordered on file for second reading

Assembly Bill No. 269 ordered on file for second reading

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 784—An Act to amend Section 384 of the Penal Code relating to forest fires—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Judiciary.

CUTTEN, Chairman.

Senate Bill No. 784 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also: Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops, etc., for the California Polytechnic School.

Also: Senate Bill No. 95—An Act to appropriate money for repairs, etc., at the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money to purchase farm machinery, etc., at the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system at the California Polytechnic School.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement of the power, etc., of the California Polytechnic School.

Also: Senate Bill No. 85—An Act to appropriate money for the development of the water system at the California Polytechnic School.

Also: Senate Bill No. 84—An Act to appropriate money for the completion, etc., of the dining hall, etc., at the California Polytechnic School.

Also: Senate Bill No. 292—An Act defining the powers and duties of physicians.

local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Also: Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 226—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 108—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley railroad, at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinneys, in Placer County, California, and making an appropriation therefor.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floors in the basement of the refectory building under officers' and boys' dining-room.

Also: Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also: Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Also: Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 148—An Act appropriating money for the purchase of farm houses at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 147, 145, 140, 89, 95, 94, 93, 91, 90, 85, 84, 292, 347, 226, 227, 108, 4, 156, 151, 152, 149 and 148 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.—(OUT OF ORDER).

Senator Burnett offered, and sent to the desk for introduction a bill. Bill ordered referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEWIS, Chairman.

Assembly Bill No. 1042 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.—(OUT OF ORDER).

Senator Thompson offered, and sent to the desk for introduction a bill.

Bill ordered referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1147—An Act to amend the railroad commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers, have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ROSEBERRY, Chairman.

Senate Bill No. 1147 ordered on file for second reading.

LEAVES OF ABSENCE.

Senator Martinelli was, on motion of Senator Sanford, granted leave of absence until Monday, February 20, 1911.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor, Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. James P. Booth of San Francisco.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. J. Branstetter, of Dunsmuir, and P. A. McBride, of Sisson.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to A. C. Tetzen and C. H. Tetzen, both of San Francisco.

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. V. Reed, of Fresno.

On request of Senator Juilliard, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to S. B. Wright, of Santa Rosa.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following bills:

Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

And:

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital. And report that the same have been found to be identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 433 and Assembly Bill No. 568 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 433—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital—was considered withdrawn.

And: Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital—ordered on second reading file of Assembly bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to take up Senate Bill No. 635 for consideration out of order, for the purpose of amendment.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shanahan moved to refer to Senator Burnett as a special committee of one, to amend Senate Bill No. 635 as follows:

AMENDMENT No. 1.

By striking out of Section 4, line 9, the word "salmon".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 635, with instructions to amend, respectfully reports the same back, amended as per instructions.

BURNETT, Committee.

The question being on the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Caminetti, Cartwright, and Hurd—3.

NOES—Senators—Avey, Beban, Boynton, Bryant, Burnett, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Larkins, Regan, Roseberry, Shanahan, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Shanahan gave notice that on the next legislative day he would move a reconsideration of the vote whereby the report of the special committee of one was refused adoption.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Shanahan moved to refer to Senator Burnett, as a special committee of one, to amend Senate Bill No. 635 as follows.

AMENDMENT No. 2.

By inserting in Section 4, line 6, after the word "who" the words "except on Monday, Thursday and Saturday of each week when salmon may be taken."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 635, with instructions to amend, respectfully reports the same back, amended as per instructions.

BURNETT, Committee.

SPECIAL ORDER SET.

Senator Walker moved that the further consideration of the report of the special committee of one, on proposed amendment No. 2, be made a special order for Monday, February 20, 1911, immediately after the special order heretofore set.

Motion carried.

LEAVES OF ABSENCE.

Senator Welch was, on his own motion, granted leave of absence until Monday, February 20, 1911.

SUSPENSION OF RULES.

Senator Wright asked, and was granted unanimous consent that Rule 28 of the Standing Rules of the Senate be suspended.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Wright:

SENATE JOINT RESOLUTION No. 20.

Relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto.

WHEREAS, The United States Government heretofore authorized the putting in of a weir in the Colorado River to aid in the diversion of water into the intake of the canal which supplies water to the Imperial Valley situated in Imperial County in this State; and

WHEREAS, We are informed that the War Department has ordered the removal of this weir on twelve hours notice; and

WHEREAS, We are informed such removal will endanger the water supply to 250,000 acres of land within the county of Imperial in this State, all of which is entirely dependent upon irrigation; and

WHEREAS, The canal by which water is delivered for irrigation purposes in the Imperial Valley traverses during a part of its course a portion of Lower California in the Republic of Mexico; and

WHEREAS, A heading known as "Sharps' Heading" is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial Valley; and

WHEREAS, There exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading; now, therefore, be it

Resolved, That the Senate and Assembly of this State jointly urge upon the Federal Government the necessity of delay in the removal of the said weir in the Colorado River until proper investigation can be made as to the effect of such action upon the said Imperial Valley; and be it further

Resolved, That the Federal Government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial Valley

and the said Sharps' Heading and the said canal within the territory of Mexico, and to guarantee a permanent delivery to said territory; and be it further

Resolved, That a copy of this resolution be transmitted immediately by telegraph to the President of the United States, the Secretary of War and the Senators and Representatives in Congress from this State, and that said Senators and Representatives be instructed to use their best efforts to insure the protection of the people of Imperial County in this State, and to prevent the irreparable injury which would result to them should their water supply be interfered with or cut off, either by reason of the action of the Federal Government in taking out the weir referred to, or by reason of the disturbance existing within the territory of Lower California.

SUSPENSION OF RULES.

Senator Wright asked for and was granted unanimous consent to take up for consideration Senate Joint Resolution No. 20 without reference to committee.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 20 adopted by the following vote:

AYES—Senators Avey, Beban, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Senate Joint Resolution No. 20 considered engrossed, and ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed as a case of urgency, committee substitute for Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly for the session of the Thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

L. B. MALLORY, Chief Clerk of the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Wolfe:

Resolved, That Assembly Bill No. 1485 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Walker, and Wolfe, 28.

NOES—None.

CASE OF URGENCY.

Committee Substitute for Assembly Bill No. 1185—An Act to make an appropriation for the contingent expenses of the Assembly for the

session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1485 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Brynau, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hanks, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Walker, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR

At three o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, FEBRUARY 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Bill No. 260—An Act providing that one-half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scamell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund—and report that the same have been correctly engrossed.

CASSIDY, Chairman

Committee Substitute for Senate Bill No. 260 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER)

On motion of Senator Wolfe, the third reading file of Assembly bills was taken up.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626*g* thereof, relating to tree squirrels.

On motion of Senator Stetson, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Brynau, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Walker, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to blacklisting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Estudillo, Assembly Bill No. 473 was temporarily passed on file, to retain its place.

Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Read third time.

On motion of Senator Wolfe, Assembly Bill No. 618 was temporarily passed on file, to retain its place.

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 832 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Sanford, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Wolfe, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 141—An Act to amend Section 689 of the Political Code of the State of California, relating to investing school funds.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

Strike out all of lines 6, 7, 8, page 1 of printed bill, and insert in lieu thereof the following: "bonds of this State or bonds of the United States, or bonds of any county, city and county, city, town, school district or irrigation district".

Amendment adopted.

Also:

Strike out of line 12, page 1, the word "districts" in each instance where it occurs and insert in lieu thereof in each instance the word "district".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Roseberry, the second-reading file of the Senate bills was taken up.

Senate Bill No. 1191—An Act to add a new section to the Penal Code to be known as Section 907, relating to the duties of grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California to be known as Section 926a, relating to keeping secret the proceedings of a grand jury, and prescribing punishment for persons violating the provisions of said section.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge of habeas corpus.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an indus-

trial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, strike out the word "employees", and insert in lieu thereof the following: "employers".

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the word "employer", insert the following: "the fact that such employee may have been guilty of contributory negligence shall not bar a recovery therein where his contributory negligence was slight and that of the employer was gross, in comparison, but the damages may be diminished by the jury in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and".

Amendment adopted.

Also:

On page 2, Section 3, line 21, strike out the semicolon after the word "death", and insert in lieu thereof a comma, and add the following: "except that when the injury was caused by the gross negligence or wilful misconduct of the employer, or by reason of his violation of any statute designed for the protection of employees from bodily injury, the employee may, at his option, either claim compensation under this Act, or maintain an action for damages therefor;"

Amendment adopted.

Also:

On page 4, Section 8, line 1, strike out the word "set", and insert in lieu thereof the following: "act".

Amendment adopted.

Also:

On page 4, Section 8, line 11, strike out the period after the word "same", and insert the following: "; provided, however, that the total liability under this subdivision shall not exceed the sum of \$100.00."

Amendment adopted.

Also:

On page 5, Section 8, line 38, after the period following the word "recoverable" add: "If the period of disability lasts more than one week from the day the employee leaves work as the result of the accident, no indemnity shall be recoverable for the first week of the period of such disability."

Amendment adopted.

Also:

On page 5, Section 8, line 41, strike out the word "date", and insert in lieu thereof the following: "death".

Amendment adopted.

Also:

On page 5, Section 8, line 47, strike out the colon after the word "benefits", and insert in lieu thereof a comma, and add the following: "provided, that such death was approximately caused by the accident causing such disability:"

Amendment adopted.

Also:

On page 5, Section 8, line 55, strike out the figures "\$3,000" and insert in lieu thereof the following: "\$5,000".

Amendment adopted.

Also:

On page 6, Section 8, line 76, strike out the words "shall exist although he", also strike out all of line 77.

Amendment adopted.

Also:

On page 6, Section 9, line 4, strike out the figures "\$1,000" and insert in lieu thereof the following: "\$1,666.66".

Amendment adopted.

Also:

On page 7, Section 9, line 42, strike out the word "employed" and insert in lieu thereof the following: "employee".

Amendment adopted.

Also:

On page 7, Section 9, line 42, strike out the word "be".

Amendment adopted.

Also:

On page 7, Section 9, lines 49 and 50, strike out the words "with whom she is living at the time of his death," and insert a period after the word "husband" in line 49.

Amendment adopted.

Also:

On page 8, Section 9, line 51, strike out the words "with whom he is living" and insert in lieu thereof the following: "upon whose earnings he is partially or wholly dependent".

Amendment adopted.

Also:

On page 8, Section 9, line 74, strike out the semicolon after the word "husband" and insert in lieu thereof a period. Also strike out all of lines 75, 76, 77 and 78.

Amendment adopted.

Also:

On page 9, Section 10, line 22, strike out the word "is" and insert in lieu thereof the following: "if".

Amendment adopted.

Also:

On page 10, Section 12, lines 5, 6 and 7, strike out the words: "The commissioner of the bureau of labor statistics shall be ex officio a member of such board. He may, however, authorize the deputy commissioner to act in his place."

Amendment adopted.

Also:

On page 10, Section 12, line 8, strike out the words "after the passage of" and insert in lieu thereof the following: "before".

Amendment adopted.

Also:

On page 10, Section 12, line 8, after the word "act" insert the following: "shall take effect".

Amendment adopted.

Also:

On page 10, Section 12, line 10, after the comma following the word "years", insert the following: "and another who shall serve three years."

Amendment adopted.

Also:

On page 10, Section 12, line 11, strike out the word "two" and insert in lieu thereof the following: "three".

Amendment adopted.

Also:

On page 10, Section 12, lines 21 and 22, strike out the words "other than said commissioner of the bureau of labor statistics".

Amendment adopted.

Also:

On page 10, Section 12, line 23, strike out the word "dollars" and insert in lieu thereof the following: "six hundred dollars."

Amendment adopted.

Also:

On page 16, Section 29, lines 1, 2 and 3, strike out the whole of Section 29, and insert in lieu thereof the following: "Sec. 29. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be used by the industrial accident board in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said industrial accident board for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Also:

On page 16, Section 31, lines 1 and 2, strike out the words "from and after its passage" and insert in lieu thereof the following: "on and after the first day of September, A. D. 1911."

Amendment adopted.

During second reading of the bill, the following amendment was offered by Senator Larkins:

Amend by adding after word "servant" in line 11, Section 1, page 1, the following: "while engaged in work requiring skilled labor".

Amendment refused adoption.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Senate Bill No. 14.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved. That the State Printer be and he is hereby directed to print one thousand copies of Senate Bill No. 14, as amended in the Committee on Corporations.

Resolution read, and referred to the Committee on Printing.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in

the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of the provisions of this Act.

On motion of Senator Boynton, Senate Bill No. 918 was temporarily passed on file, to retain its place.

Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

During second reading of the bill, the following amendment was submitted by committee:

Insert after the word "Act" and before the word "entitled" in Section 1, line 9, page 2, of the printed bill the words "of the thirty-ninth session of the Legislature".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6th, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Finn asked for, and was granted, unanimous consent to take up for consideration Senate Bill No. 260 out of order.

Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Boban, Bell, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Shanahan, Thompson, Walker, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR ESTUDILLO IN THE CHAIR.

At four o'clock and thirty minutes P. M., Senator Estudillo of the Thirty-ninth District in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up for consideration Senate Bill No. 736, out of order.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 passed by the following vote:

AYES—Senators Avey, Bell, Birdsell, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Regan, Roseberry, Sanford, Shanahan, Thompson, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

COMMUNICATION.

The following communication was read, and ordered printed in the Journal:

HERMOSA BEACH, CAL., February 15, 1911.
Hon. A. J. Wallace, Sacramento, Cal.

DEAR SIR: I herewith inclose request for investigation, so as to join with my associates in the request you have received from them.

Yours truly,

LUCIEN SHAW.

February 14, 1911.

To the Honorable the Senate and Assembly of the State of California, in Session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California, Plaintiff and Respondent, vs. Abraham Ruef, Defendant and Appellant* (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted,

LUCIEN SHAW, J.

(Signed by me February 15, 1911.)

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC BUILDINGS AND GROUNDS

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Also: Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 401, 402, 403, 433, 444 and 1160 ordered re-referred to Committee on Finance.

SENATOR WOLFE IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Juilliard asked for, and was granted, unanimous consent to take up Senate Bill No. 682 for consideration out of order.

Senate Bill No. 682—An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

Read third time.

The question being on the passage of the bill.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Avey asked for, and was granted, unanimous consent to be excused from voting on Senate Bill No. 682.

Whereupon the acting President announced that Senate Bill No. 682 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Boynton, Bryant, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Regan, Sanford, Thompson, Walker, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to take up Senate Bill No. 456 for consideration out of order.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Sanford, Shanahan, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 20—Relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 20 ordered to enrollment.

QUESTION OF PERSONAL PRIVILEGE.

Senator Bryant arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Not being present at the time of roll call on Senate Bill No. 260, being unavoidably absent from the Senate Chamber, I was unable to cast my vote for the bill which I would have done had I been present.

COMMUNICATION.

The following communication was received, read and ordered printed in the Journal.

SAN FRANCISCO, CAL., February 16, 1911.

President of the Senate, California Legislature, Sacramento Calif.:

Pursuant to resolution regularly adopted by our exchange I wired Senator Perkins February eleventh as follows: Loss threatening farming and commercial

interests here through proposed Canadian reciprocity measure. California will be flooded with cheap Canadian barley if duty is removed. We will also probably lose present Eastern barley business. I earnestly urge your assistance in having barley eliminated from proposed list. Message ends. According to yesterday's Chronicle, Senator Perkins has wired you in connection with the above asking for instructions. If further action by Merchants' Exchange will in any way enlighten you, please command me. It is most urgent that barley should be eliminated from proposed list in order to prevent great injury to California farming and commercial interests.

MERCHANTS' EXCHANGE OF SAN FRANCISCO.

By JAMES ROLPH, JR., President.

LEAVES OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until Monday, February 20, 1911.

Senator Curtin was, on his own motion, granted leave of absence until Monday, February 20, 1911.

Senator Burnett was, on his own motion, granted leave of absence until Monday, February 20, 1911.

Senator Wright was, on his own motion, granted leave of absence until Monday, February 20, 1911.

Senator Rush was, on motion of Senator Cartwright, granted leave of absence until Monday, February 20, 1911.

Senator Strobbridge was, on motion of Senator Stetson, granted leave of absence until Monday, February 20, 1911.

Senator Black was, on motion of Senator Thompson, granted leave of absence until Monday, February 20, 1911.

Senator Hans was, on his own motion, granted leave of absence until Monday, February 20, 1911.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, February 18, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Cassidy, Cutten, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Regan, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—23.

Quorum present.

PRAYER.

Prayer by Rev. Father John H. Ellis, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 17, 1911, the further reading was dispensed with, on motion of Senator Thompson.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Col. D. C. Collier, Mayor Grant Conard, and Judge W. A. Sloan, all of San Diego.

MOTION.

Senator Caminetti moved that the State Printer be and he is hereby directed to print one thousand additional copies of Assembly Bill No. 248, as amended in the Assembly.

Motion duly seconded, and carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Shanahan moved that the vote whereby the report of the special committee of one upon proposed amendment number one to Senate Bill No. 635 was refused adoption, be now reconsidered.

The motion was duly seconded.

WITHDRAWAL OF MOTION TO RECONSIDER.

Senator Shanahan asked for, and was granted, unanimous consent to withdraw his motion to reconsider the vote whereby the report of the special committee of one, upon proposed amendment number one to Senate Bill No. 635, was refused adoption.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 635 for consideration out of order, for the purpose of amendment.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shanahan moved to refer to Senator Cutten as a special committee of one, to amend as follows:

By inserting in Section 4, line 6, after the word "who", the words: "except with spoon and hook and line".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 635, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1188—An Act relating to the Panama Pacific International Exposition Commission of the State of California and defining its powers and duties.

Also: Senate Bill No. 758—An Act to amend Section 10 of the Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Nevada County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines; and to provide for the government thereof by the State.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 1188 and 758 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

Also: Senate Constitutional Amendment No. 23—A proposition to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

STETSON, Chairman.

Senate Bill No. 1040 ordered on file for second reading.

Senate Constitutional Amendment No. 23 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Assembly Bills Nos. 508 and 1006 ordered on file for second reading.

Assembly Concurrent Resolution No. 6 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 735—An Act to provide for payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as

said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation"—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HURD, Chairman.

Senate Bill No. 735 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof", which Act became a law under Constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

Also: Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Also: Senate Bill No. 1124—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HURD, Chairman.

Senate Bills Nos. 1140, 988, 1124 and 990 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Also: Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 188, 616 and 713 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 596—An Act to require corporations and their officers to permit the Attorney General or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases, making failure to comply with this Act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith and fixing venue.

Also: Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

Also: Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Also: Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of this Act.

Also: Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Also: Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Also: Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven and thirteen of said Act.

Also: Senate Bill No. 1191—An Act to add a new section to the Penal Code, to be numbered Section 907, relating to the duties of grand juries.

Also: Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 596, 957, 897, 409, 609, 875, 1191, 1192, and 1193 ordered on file for third reading.

Senate Joint Resolution No. 16 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Cutten, the second-reading file of Senate bills was taken up.

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, co-partnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them: providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act.

On motion of Senator Boynton, Senate Bill No. 918, was temporarily passed on file, to retain its place.

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing

for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Senate Bill No. 13 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Hewitt, Senate Bill No. 1029, was temporarily passed on file, to retain its place.

Senate Bill No. 958—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the word "as" and insert in lieu thereof the following: "relating".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the word "or", and insert in lieu thereof the following: "of a".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "county," and insert in lieu thereof the following: "court".

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure to be known as 280*d*, relating to graduates of the Young Men's Christian Association Law College of San Francisco being admitted to practice without examination.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, after the words "San Francisco", insert the following: "or of the law department of Santa Clara College, Santa Clara, State of California."

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the figures "276", and insert in lieu thereof the following: "two hundred and seventy-six".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the period after the word "Code", and insert a comma in lieu thereof, and add the following: "subject to the right of the Chief Justice of the Supreme Court to order an examination, as in ordinary cases of applicants without such diploma or other evidence".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty seven, relating to the use of firearms.

Senate Bill No. 651 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of the State for the insane, who shall have arrived at the age of sixty years.

Senate Bill No. 449 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*h* relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the figures "270*a*", and insert the following: "of this code".

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the word "wife", insert the following: "of the defendant".

Amendment adopted.

Also:

On page 1, Section 1, line 8, strike out the period after the word "children", and add the following: "of such defendant".

Amendment adopted.

Also:

On page 2, Section 1, line 13, after the figures "270*a*", insert the following: "of this code".

Amendment adopted.

Also:

On page 2, Section 1, line 27, after the figures "270*a*", insert the following: "of this code".

Amendment adopted.

Also:

On page 2, Section 1, lines 32 and 33, strike out the words "county treasurer", and insert in lieu thereof the following: "board of supervisors".

Amendment adopted.

Also:

On page 2, Section 1, line 35, strike out the word "treasurer", and insert in lieu thereof the following: "Board of Examiners".

Amendment adopted.

Also:

On page 2, Section 1, line 39, strike out the words "to pay", and insert in lieu thereof the following: "to allow and order the payment".

Amendment adopted.

Also:

On page 2, Section 1, line 40, strike out the word "over".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 17, 18, and 19, strike out the words "specified percentage (not more than two and one half per cent of the face amount of the policy and of any existing dividend additions thereto)", and insert in lieu thereof the following: "surrender charge of not more than two and one half per cent of the face amount of the policy and of any existing dividend additions thereto".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1010 (Committee Substitute for —An Act defining certain classes of contracts for the exchange of indemnity prescribing regulations therefor, and fixing a license fee.

Senate Bill No. 1010 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments; executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner;

repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith, also repealing an Act approved March 23, 1907, entitled 'An Act to amend section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.' "

approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; pro-

viding for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation: providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.' " approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

During second reading of the bill, the following amendments were submitted by committee:

On page 5, Section 3, line 12, strike out the word "fifty" before the word "dollars", and insert in lieu thereof the words "seventy-five".

Amendment adopted.

Also:

On page 5, Section 5, line 11, after the word "of", strike out the word "the", and insert in lieu thereof the word "this".

Amendment adopted.

Also:

On page 5, Section 5, line 13, after the word "as", strike out the word "they", and insert in lieu thereof the word "he".

Amendment adopted.

Also:

On page 6, Section 7, line 5, at the beginning of the line before the word "records", strike out the word "the".

Amendment adopted.

Also:

On page 7, Section 8, line 1, at the beginning of the line, after the word "Sec.", strike out the number "6", and insert in lieu thereof the number "8".

Amendment adopted.

Also:

On page 7, Section 9, line 5, after the word "or", strike out the word "in", and insert in lieu thereof the word "is".

Amendment adopted.

Also:

On page 11, Section 15, line 4, after the word "certificate", strike out the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

Also:

On page 11, Section 16, line 4, after the word "to", strike out the word "them", and insert in lieu thereof the word "him".

Amendment adopted.

Also:

On page 6, Section 7, line 5, after the word "appraised", strike out the words "and assessed".

Amendment adopted.

Also:

On page 6, Section 7, line 9, after the word "commissioner", strike out the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

Also:

On page 10, Section 13, line 2, before the word "condition", strike out the word "solvent", and insert in lieu thereof the word "insolvent".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Senate Bill No. 47 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof," approved March 21, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 944—An Act to create a reservation for fish, shell-fish, shrimp, and crabs, within the sloughs, rivers, streams, and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office, and duties.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, line 20, strike out the word "commissioners", and insert "commissions".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat, and lighting plant of the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the words "ten thousand", and insert in lieu thereof the words "six thousand."

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars", and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "the board of trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "three."

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars", and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated one thousand dollars shall be available July 1, 1911, and two thousand dollars July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "ten" and insert in lieu thereof the word "five."

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars" and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary."

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2 and insert in lieu thereof the following:
"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 145 was temporarily passed on file, to retain its place.

Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 147 was temporarily passed on file, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was temporarily passed on file, to retain its place.

Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "seven."

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars" and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by striking out the words: "and for the purchase of dormitory and school furniture for said school."

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out the word "nine", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars" and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of line 6, Section 1, of the printed bill, after the word "School" and also all of lines 7 and 8, Section 1.

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "four", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars", and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,"

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "Trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars", and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "the board of trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated one thousand dollars shall be available July 1, 1911, and two thousand five hundred dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "six" and insert in lieu thereof the word "three".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out all after the word "dollars" and insert in lieu thereof a comma and the following: "or so much thereof as may be necessary,".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the following words: "trustees of the California Polytechnic School".

Amendment adopted.

Also:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out all of Section 3, of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 292—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of Section 1, line 1, of the printed bill, the words "*Report of physicians and others.*"

Amendment adopted.

Also:

Strike out of Section 2, line 1, of the printed bill, the words "*Examination of sputum.*"

Amendment adopted.

Also:

Strike out of Section 3, line 1, of the printed bill, the words "*Protection of records.*"

Amendment adopted.

Also:

Strike out of Section 4, line 1, of the printed bill the words "*Disinfection of premises.*"

Amendment adopted.

Also :

Strike out of Section 5, lines 1 and 2, of the printed bill, the words "*Health officer to direct disinfection, cleansing or renovation.*"

Amendment adopted.

Also :

Strike out of Section 6, lines 1 and 2, of the printed bill, the words "*Prohibiting occupancy until order of health officer is complied with.*"

Amendment adopted.

Also :

Strike out of Section 7, lines 1 and 2, of the printed bill, the words "*Prohibiting carelessness of a person having tuberculosis.*"

Amendment adopted.

Also :

Strike out of Section 8, line 1, of the printed bill, the words "*Protection of patient's family.*"

Amendment adopted.

Also :

Strike out of Section 9, lines 1, 2, and 3, of the printed bill, the words "*Providing that a physician shall make a complete statement of procedure and precautions on a blank to be furnished by the health officer, et cetera.*"

Amendment adopted.

Also :

Strike out of Section 10, lines 1 and 2, of the printed bill, the words "*Penalty of failure of physicians to perform duties or for making false reports.*"

Amendment adopted.

Also :

Strike out of Section 11, line 1, of the printed bill, the words "*Reporting recovery of patient.*"

Amendment adopted.

Also :

Strike out of Section 12, line 1, of the printed bill, the words "*General penalty.*"

Amendment adopted.

Also :

Strike out of Section 14, line 1, of the printed bill, the words "*Repealing all acts et cetera.*"

Amendment adopted.

Also :

Strike out all of Section 14 of the printed bill.

Amendment adopted.

Also :

Re-number Section 15 to read : "Sec. 14."

Amendment adopted.

Also :

Strike out the parentheses and figures on page 7, Section 13, line 3, of the printed bill.

Amendment adopted.

Also:

Add the following to Section 8, on page 4, of the printed bill: "*Provided, however, that nothing herein shall be construed to give to said health officer or inspector the right to remove such patient, or to provide for or compel the use of the services of any medical or other practitioner of medicine or method of healing, other than that selected by the patient.*"

Amendment adopted.

Also:

On page 5, Section 9, line 12, strike out the word "physicians", and insert in lieu thereof the following: "health authorities".

Amendment adopted.

Also:

On page 7, Section 13, line 3, after the words "dollars", add "to be expended by the State Board of Health".

Amendment adopted.

Also:

On page 5, Section 9, line 10, strike out the words "local health authorities", and insert in lieu thereof the following: "State Board of Health".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Senate Bill No. 347 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 226—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title, by striking out of line 1, of the printed bill, the words "and furnishing," after the word "construction".

Amendment adopted.

Also:

In Section 1, line 1, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "thirty-four".

Amendment adopted.

Also:

In Section 1, line 6, of the printed bill, strike out the words "not more than thirty-four".

Amendment adopted.

Also:

Strike out lines 7, 8, and 9 of Section 1.

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be

approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 227—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by striking out of line 1 the words "and furnishing" after the word "construction."

Amendment adopted.

Also:

In line 1 of the title, strike out the word "two", and insert in lieu thereof the word "one."

Amendment adopted.

Also:

Strike out of line 2 of the title, the word "cottages", and insert in lieu thereof the word "cottage."

Amendment adopted.

Also:

In Section 1, line 1, of the printed bill, strike out the word "forty" and insert in lieu thereof the word "seventeen."

Amendment adopted.

Also:

In Section 1, line 5, of the printed bill, strike out the words "two cottages" and insert in lieu thereof the words "one cottage."

Amendment adopted.

Also:

In Section 1, line 5, of the printed bill, strike out the words "one for male and one."

Amendment adopted.

Also:

In Section 1, line 6, of the printed bill, strike out the word "female" and the comma following.

Amendment adopted.

Also:

In Section 1, line 6, of the printed bill, strike out the words after the period, and lines 7, 8, and 9.

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

The State Controller is hereby authorized and directed to draw his warrant for

the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a State highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt County.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 279—An Act to establish the California scenic highway; to define its course; to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

On motion of Senator Caminetti, Senate Bill No. 279 was temporarily passed on file, to retain its place.

Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

On motion of Senator Caminetti, Senate Bill No. 933 was temporarily passed on file, to retain its place.

Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the State treasury.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36 100 dollars to pay the claim of F. P. Sawyer against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Senate Bill No. 108 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 2, of the printed bill, strike out all of the section after the numeral "2", and insert in lieu thereof the following:

"The work of locating, surveying and constructing said State highway is placed under the management and control of the Department of Engineering, and it shall be the duty of the said department to locate, survey and construct said road along the route herein mentioned. Of the money hereby appropriated seven thousand five hundred dollars shall be available on and after July 1, 1911, and seventeen thousand five hundred dollars on and after July 1, 1912. The State Controller is hereby directed to draw his warrant in such sums and at such times as the State Engineer may, after said funds become available, present claims therefor, and the State Treasurer is directed to pay the same."

Amendment adopted.

Also:

Strike out all of Sections 3 and 4 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under the officers' and boys' dining room.

On motion of Senator Caminetti, Senate Bill No. 156 was temporarily passed on file, to retain its place.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 152 was temporarily passed on file, to retain its place.

Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 149 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 625—An Act to amend section two thousand nine

hundred eighty-two of the Political Code, relating to the secretary and assistant secretary of the State Board of Health.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 381—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Wolfe, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Caminetti, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 23, strike out the word "of" first appearing in said line 23.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries, in the counties of Sonoma, Napa, and Solano.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels, or canals into other states, for use therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Birdsall, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19—Relative to the appointment of a special joint committee of the Assembly and Senate for the purpose of making a full and complete investigation of the conduct of the Supreme Court of the State of California in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled, *The People of the State of California vs. Abraham Ruef*, and any other or further matters touching the conduct of said court, and giving said committee full authority to act in the premises.

Also: Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 19 referred to the Committee on Judiciary.

Assembly Concurrent Resolution No. 10 referred to the Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Also: Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolutions Nos. 11 and 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 352 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also: Assembly Bill No. 79—An Act making an appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Also: Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers' and boys' dining-rooms.

Also: Assembly Bill No. 121—An Act making an appropriation to pay for repumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also: Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also: Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Also: Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also: Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Also: Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Also: Assembly Bill No. 234—An Act authorizing and directing the reflooring of the mauns and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Also: Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

Also: Assembly Bill No. 920—An Act to allow Union High School Districts to establish, equip, and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

Also: Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Also: Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Also: Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 76, 79, 116, 121, 123, 125, 126, 129, 130, 207, 227, 234, 270, 272, 331, 345, committee substitute for 553, 920, 931, 1003 and 1015 read first time.

Assembly Bills Nos. 76, 79, 207, 227, 234, 270, and 272 ordered referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 116, 121, 123, 125, 126, 129, and 130 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 331 and 345 ordered referred to Committee on Finance.

Committee Substitute for Assembly Bill No. 553 ordered referred to Committee on Fish and Game.

Assembly Bill No. 920 ordered referred to Committee on Education.

Assembly Bill No. 931 ordered referred to Committee on Judiciary.

Assembly Bill No. 1003 ordered referred to Committee on Military Affairs.

Assembly Bill No. 1015 ordered referred to Committee on Drainage, Swamp, and Overflowed Lands.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER)

The following reports of standing committee were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of an exposition in Balboa Park in said city of San Diego—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

WOLFE, Chairman.

Senate Bill No. 493 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 441—An Act to provide for an appropriation for the erection of a manual art school building for the use of the State Normal School at San Diego, California.

Also: Senate Bill No. 33—An Act making an appropriation for the equipment, support, and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Have had the same under consideration, and respectfully report the same back and recommend that they be recommended to Committee on Finance, and passed as amended.

WOLFE, Chairman.

Senate Bills Nos. 441 and 33 ordered re-referred to Committee on Finance.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Beban asked for, and was granted, unanimous consent to take up for consideration Senate Bill No. 769, out of order, for the purpose of amendment.

Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Beban moved to refer to Senator Regan as a special committee of one, to amend as follows:

On page 1, Section 1, line 9, of the printed bill as amended, after the word "colonel", insert the following: "and one naval aid with the rank of commander."

Also: On page 1, Section 1, line 10, of the printed bill as amended, strike out the word "aid-de-camp" and insert in lieu thereof the word "aids-de-camp".

Also: On page 4, Section 5, line 20, of the printed bill as amended, after the word "regiment" strike out the comma, and insert in lieu thereof the following: ", of the coast artillery corps."

Also: On page 5, Section 5, lines 70-72, of the printed bill as amended, strike out the following: "disapprove will direct that", and insert in lieu thereof the following: "disapproves".

Also: On page 6, Section 5, line 81, of the printed bill as amended, after the word "regiment", insert the following: ", or the coast artillery corps."

Also: On page 6, Section 5, line 89, of the printed bill as amended, after the word "regiment", insert the following: ", or the coast artillery corps."

Also: On page 7, Section 9, line 17, of the printed bill as amended, strike out the words "one hundred and fifty", and insert in lieu thereof the following: "two hundred".

Also: On page 7, Section 9, line 20, of the printed bill as amended, strike out the words "one hundred", and insert in lieu thereof the following: "one hundred and fifty".

Also: On page 11, Section 12, line 77, of the printed bill as amended, strike out the word "consequent", and insert in lieu thereof the word "consequent".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 769, with instructions to amend, respectfully reports the same back, amended as per instructions.

REGAN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cullen asked for, and was granted, unanimous consent to take up Senate Bill No. 488 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 488.—An Act to add a new section to the Political Code to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cullen moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the words "annually or";.

Also: By striking out of Section 1 all of line 10, and inserting in lieu thereof the following: "when such officer is authorized by the board of supervisors to attend said convention his actual expenses".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 488, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

ADJOURNMENT.

At eleven o'clock and twenty-minutes A. M., on motion of Senator Bell, the President declared the Senate adjourned until Monday, February 20, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, February 20, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names.

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Catten, Estudillo, Fink, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juchard, Larkins, Lewis, Martinelli, Ragan, Roseberry, Rush, Sanford, Shanahan, Stetson, Stronbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, February 18, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Erwin S. Chapman, of Los Angeles, and Dr. A. C. Bane, of San Francisco.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Leo S. Robinson, of San Francisco.

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Herman A. Grau, of Sacramento.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mayor Grant Conard, of San Diego.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. M. M. Cronmiller and Miss M. Mead, both of Riverside.

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Col. D. C. Collier, of San Diego.

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. W. R. Odom of Coalinga.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also: Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Also: Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

And report that the same have been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bills Nos. 30, 112 and 558 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School, and making provision for the return of said appropriation to the state treasury.

Also: Senate Bill No. 551—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also: Senate Bill No. 108—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof." (Approved March 21, 1907.)

Also: Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Also: Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. F. Sawyer against the State of California.

Also: Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, photographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Also: Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimps, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, jams, nets, traps, or seines.

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 6354, relating to the protection and preservation of fish.

Also: Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Also: Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Also: Senate Bill No. 1147—An act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Also: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 377, 381, 408, 475, 548, 617, 625, 626, 778, 787, 944, 945, 956, 984, and 1147 ordered on file for third reading

Senate Constitutional Amendment No. 13 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 37, the same was taken up for consideration.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

Read third time.

SUSPENSION OF RULES.

Senator Boynton moved that Rule No. 14 of the Standing Rules of the Senate, be suspended during the consideration of Assembly Bill No. 37.

Motion carried.

Also:

Senator Wolfe moved that the rule limiting the time of debate to five minutes be suspended during the consideration of Assembly Bill No. 37.

Motion carried.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Martinelli, as a special committee of one, to amend Assembly Bill No. 37 as follows:

SERIES OF AMENDMENTS TO BE DESIGNATED NO. 1.

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Motion carried.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended fifteen minutes.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MOTION.

Senator Cassidy moved that Senate Bill No. 244 be recalled from the Governor for the purpose of correcting an error occurring in reading proof of the enrolled bill.

Motion carried.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred the series of amendments to be designated No. 1 to Assembly Bill No. 37, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one adopted by the following vote:

AYES. Senators Boban, Bills, Birdsall, Bryant, Burnett, Caminetti, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Stetson, Tyrrell, Welch, Wolfe, and Wright—23.

NOES. Senators Avey, Bell, Black, Boynton, Campbell, Cartwright, Catten, Estudillo, Gates, Hewitt, Larkins, Lewis, Roseberry, Shanahan, Strobbridge, Thompson, and Walker—17.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Martinelli, as a special committee of one, to amend Assembly Bill No. 37, as follows:

SERIES OF AMENDMENTS TO BE DESIGNATED NO. 2.

By adding to Section 7, at bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to _____?"

Yes

No

"Shall the license for each saloon in this city, town or township be fixed at \$ _____?"

Yes

No

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than ----- gallons, in this city, town or township?

Yes

No

"Shall the location of saloons in this city, town or township be fixed at ----- feet from a church or public school situated in this city, town or township?

Yes

No

"Shall the serving of wines and beers at regular meals in the dining rooms of hotels and restaurants in this city, town or township be permitted?

Yes

No

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred the series of amendments to be designated No. 2 to Assembly Bill No. 37, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one adopted by the following vote:

AYES—Senators Beban, Bills, Birdsall, Bryant, Burnett, Caminetti, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Tyrrell, Welch, Wolfe, and Wright—22.

NOES—Senators Avey, Bell, Black, Boynton, Campbell, Cartwright, Cotten, Estudillo, Gates, Hewitt, Larkins, Lewis, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Walker—18.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Martinelli, as a special committee of one, to amend Assembly Bill No. 37, as follows:

AMENDMENT No. 3.

By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 59 inclusive, and inserting in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, the receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom; *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than

two gallons; and provided further, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining rooms of hotels and restaurants, situated in no-license territory, subject however, to the local ordinances governing the sale or distribution of liquor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Amendment No. 3 to Assembly Bill No. 37, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one adopted by the following vote:

AYES—Senators Behan, Bills, Birdsall, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Tyrrell, Welch, Wolfe, and Wright—23.

NOES—Senators Avey, Bell, Black, Boynton, Campbell, Cutten, Estudillo, Gates, Hewitt, Larkins, Lewis, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Walker—17.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Birdsall, as a special committee of one, to amend as follows:

By striking out of Section 10, lines 3 and 4, the words "ninety days", and inserting in lieu thereof the following: "six months".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred amendment proposed by Senator Cartwright to Assembly Bill No. 37, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one, on the amendment proposed by Senator Cartwright, refused adoption by the following vote:

AYES—Senators Birdsall, Burnett, Cartwright, Curtin, Cutten, Hans, Hare, Holohan, Juilliard, Lewis, Martinelli, Sanford, Strobridge, Welch, and Wolfe—15.

NOES—Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Campbell, Cassidy, Estudillo, Finn, Gates, Hewitt, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—23.

Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—the same was taken up for consideration

SPECIAL ORDER POSTPONED.

Senator Shanahan moved that the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635, be postponed, and made a special order for Tuesday, February 21, 1911, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read
ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following

Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI, of the Constitution of the State of California.

Also, Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

And report that the same have been correctly engrossed

CASSIDY, Chairman.

Senate Constitutional Amendments Nos. 2 and 6 ordered transmitted to Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board making an appropriation therefor, defining its powers and providing for a review of its awards—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 14 ordered on file for third reading.

MOTION.

Senator Boynton moved that the Senate do now take a recess until seven o'clock and thirty minutes P. M., at which time the Senate shall reconvene for the purpose only of receiving committee reports, and the consideration of the second-reading files of Senate and Assembly bills.

Motion carried.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until seven o'clock and thirty minutes P. M.

RECONVENED.

At seven o'clock and thirty minutes P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULE.

Senator Wright moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred the following:

Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1087—An Act to provide for the construction of a barn on the premises of the State forestry station at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 523, 524, 525, 526, 1086, 1087, and 1088 ordered re-referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Finance.

THOMPSON, Acting Chairman.

Senate Bill No. 212 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

THOMPSON, Acting Chairman.

Senate Bill No. 746 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

THOMPSON, Acting Chairman.

Senate Bill No. 111 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of ninety-eight dollars and seventy-five cents (\$98.75) out of the contingent fund of the Senate, and the State Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your Committee for Lincoln Memorial exercises, which were held on Monday evening, February 13, 1911, in the Assembly Chamber, itemized account of which is as follows:

Printing programs	\$12 50
Music (including piano rental)	35 00
Decorations	37 50
Plants	6 25
Labor	7 50
	\$98 75

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten, Gates, Hare, Hewitt, Holohan, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Also:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be and he is hereby directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$754.09, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Post Office Box	Sacramento	\$3 00
Henry E. Sleeper & Co.	Sacramento	22 10
Cascade Towel Supply	Sacramento	17 50
Kane & Trainor Ice Co.	Sacramento	56 00
Wm. Carragher	Sacramento	3 25
Wahl Stationery Co.	Sacramento	10 50
Cunningham, Curtiss & Welch	San Francisco	283 26
W. P. Fuller & Co.	Sacramento	2 60
H. S. Crocker Co.	Sacramento	5 80
Siller Bros.	Sacramento	5 00
C. J. Peters	Sacramento	1 25
Telephone Company	Sacramento	20 35
Scott, Lyman & Stack	Sacramento	236 80
H. S. Crocker Co.	Sacramento	86 68

BURNETT, Chairman.

February 20, 1911.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cutten, Gates, Hare, Hewitt, Holohan, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, Welch, and Wolfe—24.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Welch:

Resolved, That the State Printer be, and is hereby, directed to print one thousand copies of Senate Bill No. 31, as amended in the Judiciary Committee.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Also: Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties" and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3285a, relating to license of auctioneers.

Also: Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

Also: Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of jurors's and reporter's fees in actions other than criminal.

Also: Assembly Bill No. 843—An Act to adopt a State song for the State of California.

Also: Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notary public.

Also: Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Also: Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 943, 1125, 705, 912, 913, 786, 1100, 1101, and 946 ordered on file for second reading.

Assembly Bills Nos. 622 and 843 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants, have had the same under consideration, and respectfully report the same back and recommend that the same do pass and be re-referred to the Committee on Finance.

STETSON, Chairman.

Assembly Bill No. 849 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1044—An Act to amend section ten j of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependence or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Also: Senate Bill No. 503—An Act to amend sections ten i, ten j, ten k, ten l, ten m, ten n, ten o and ten p of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependence or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that the same be referred to the Committee on County Government.

STETSON, Chairman.

Senate Bills Nos. 1044 and 503 ordered re-referred to Committee on County Government.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires set to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

Also: Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting of of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Also: Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure relating to justices' courts and justices of the peace.

Also: Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 891, 1085, 899, and 1013 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That Miss W. Curtis be and she is hereby appointed to the position of stenographer to the Senate for one week, with a compensation of \$5.00 per diem, payable weekly, and the Controller is hereby directed to draw his warrant for the same and the Treasurer is directed to pay the same.

Resolution read, and referred to the Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1212—An Act to add a new section to the Political Code of the State of California to be numbered three thousand six hundred fifty and one half, relating to the duties of the county assessor—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to Committee on Judiciary.

HEWITT, Chairman.

Senate Bill No. 1212 ordered re-referred to Committee on Judiciary.
Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Also: Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 955 and 490 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California.

Also: Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments", approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

Also: Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six b, relating to the duties of district attorneys in counties of the first class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HEWITT, Chairman.

Senate Bills Nos. 1058, 1098, and 1127 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Catten offered, and sent to the desk for introduction a Senate concurrent resolution.

Senate concurrent resolution ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Catten, the second-reading file of Senate bills was taken up.

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge

of a public use, or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act.

On motion of Senator Boynton, Senate Bill No. 918 was temporarily passed on file, to retain its place.

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Senate Bill No. 13 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of firearms.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 4, 5, and 6, strike out all of lines 4, 5, and 6, and insert in lieu thereof the following: "247. Every person, other than a peace officer, who while bearing, or exhibiting a firearm, or other deadly weapon, orders any person off of land on which there is game belonging to the State, or through which runs a river, stream, or waterway, or on which there is situated a lake, or other body of water, in which such river, stream, waterway, lake, or other body of water, there is contained fish, or game, belonging to the State is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of the State for the insane, who shall have arrived at the age of sixty years.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title to read as follows: strike out the fifth and sixth lines in the title, and insert in lieu thereof the following: "State hospitals of the State, who shall have arrived at the age of sixty years, constituting a State Hospital Employee's Pension Board and making a State appropriation pay the pensions provided for in this Act."

Amendment adopted.

Also:

On page 1, Section 1, lines 4 and 5, strike out the words "institutions of this State for the insane", and insert in lieu thereof the following: "State hospitals of this State."

Amendment adopted.

Also:

Strike out all of Section 2, and insert in lieu thereof the following:

"Sec. 2. The State Commission of Lunacy is hereby constituted as the State Hospital Pension Board. All applications for pensions under the provision of this Act shall be made to the said board in such manner and in such forms as shall be required by it. On proof of twenty-one years' service at any one or more of said state hospitals and of the age, condition and status required by section one of this Act, the said board will act upon said application and a record of its action be transmitted to the State Controller, who shall draw his warrant on the fund appropriated for such purpose in favor of the persons entitled to pensions, and the treasurer shall pay the same. Each person whose claim is allowed shall receive a certificate in such form as the said board shall adopt. All claims for pensions after the same have been allowed shall be paid quarterly upon claims audited by said board. No member of said State Commission of Lunacy shall receive any additional compensation for acting as a member of the State Hospital Pension Board."

Amendment adopted.

Also:

Add a new section to the Act, to read as follows:

"Sec. 3. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which said sum shall constitute a fund to be known as the State Hospital Employee Pension Fund, and out of which claims for pensions allowed under the provisions of this Act shall be paid."

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the word "years", insert the following: "except officers, managers, physicians, assistant physicians, secretaries and secretaries and treasurers of boards or managers thereof,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1010 (Committee Substitute for)—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

During the second reading of the bill the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 1010.

An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Individuals, partnerships or corporations may exchange reciprocal or inter-insurance contracts providing indemnity among each other from fire loss or from other damage to their own property in accordance with the following provisions of this Act, provided that no individual, partnership or corporation thus exchanging indemnity shall assume on any single risk an amount greater than ten per cent of the net financial rating of such individuals, partnership or corporation: such financial rating to be shown by the reports of a commercial agency having at least one hundred thousand members.

Sec. 2. Such individuals, partnerships or corporations so contracting among themselves shall have the power to appoint an attorney, agent or other representative and shall, through their attorney, agent or other representative, file with the Insurance Commissioner of this State a certificate in writing, verified by the oath of said attorney, agent or other representative, setting forth:

(a) The name or title by which said individuals, partnerships or corporations

intending to make such contracts shall be known. The Insurance Commissioner may reject any name or title so submitted when the same is an interference with or too similar to one already appropriated or likely to mislead the public in any respect and, in such case, a name not liable to such objection must be chosen.

(b) A verified copy of the form of policy, contract or agreement under or by which such indemnity is to be exchanged.

(c) A verified copy of the form of power of attorney or other authority of any said attorney, agent or other representative setting forth the character of such representation and the authority of such representative.

(d) The location of the office or offices through which said policies, contracts or agreements are to be issued.

(e) That service of process may be had upon the attorney in fact or any one of the subscribers residing in this State in all suits arising out of said policy, contracts or agreements, and naming such subscribers so residing in this State at the time of filing such certificate.

(f) There shall also be filed with the Insurance Commissioner of this State by any said attorney, agent or other representative a list of all such individuals, partnerships or corporations composing the subscribers of any reciprocal or inter-insurance exchange to whom the terms and requirements of section one shall apply upon application for its original certificate of authority, and whenever and as often as the same shall be requested by the Insurance Commissioner a statement under the oath of such attorney, agent or other representative showing a list of the subscribers and the maximum amount of insurance made upon any single risk by any individual, partnership or corporation, and such attorney, agent or other representative shall, whenever and as often as the same shall be requested, file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of the individuals, partnerships or corporations composing the subscribers in such reciprocal or inter-insurance exchange, as shown by a commercial agency having at least one hundred thousand subscribers and that, from such examination, it appears that no subscriber of such exchange has assumed on any single risk an amount of liability greater than ten per cent of the net financial rating of such subscriber when such risk was assumed. Such lists shall not be open to the inspection of the public, but any subscriber may inspect such list upon demand.

Sec. 3. The agent, attorney or other representative by or through whom are issued or negotiated any policies of or contracts or agreements for any insurance or indemnity of the character referred to in section one of this Act shall procure from the Insurance Commissioner a certificate of authority stating that all the requirements of this Act have been complied with and upon such compliance and the payment of a fee of fifty dollars the Insurance Commissioner shall issue such certificate. Such certificate must be renewed annually, for which a fee of ten dollars shall be paid.

Sec. 4. The attorney in fact of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange shall file with the Insurance Commissioner of this State, on or before the first of March each year, upon forms to be prepared by the Insurance Commissioner, a statement which must exhibit the condition and affairs of such exchange on the 31st day of December then next preceding.

Sec. 5. The Insurance Commissioner, whenever he deems necessary, must make an examination of the condition and affairs relating to the exchange of indemnity of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange and must make such an examination before issuing its original certificate of authority to do business in this State; or where the home office of the inter-insurance or reciprocal exchange is located outside of the State of California, and when such inter-insurance or reciprocal exchange is licensed by the Insurance Commissioner or Department of the State where such home office is located, the Insurance Commissioner shall accept as satisfactory a certificate of compliance issued by the Insurance Commissioner or Department of the State where said home office is located. Such examination shall verify the certificate and statement filed by the attorney in fact. Such exchange must open its books and papers for the inspection of the Insurance Commissioner and shall otherwise facilitate such examination, and the commissioner may administer oaths and examine under oath any person relative to the contracts of such exchange, and if he finds the books to have been carelessly or improperly kept or posted he must employ sworn experts to rewrite, post and balance the same at the expense of such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange. Such examination must be conducted in the county where such individuals, partnerships or corporations composing such reciprocal or inter-insurance exchange has its principal office and must be private. Whenever the commissioner shall make such examination as aforesaid the same must be at the expense of the individuals, partnerships and corporations composing such reciprocal or inter-insurance exchange; such expense to be paid in advance, and in the event of refusal to pay such expenses the Insurance Commissioner may refuse to issue any such certificate of authority and must revoke any

existing certificate of authority authorizing such individuals, partnerships and corporations composing such reciprocal or inter-insurance exchange to execute such contracts of indemnity.

SEC. 6. Unincorporated inter-indemnity companies who do not issue policies of insurance, who do not charge expenses of management except in liquidation of losses, nor accept premiums from its members shall be exempt from the provisions of this Act.

SEC. 7. All policies and insurance contracts or contracts of indemnity upon a risk or risks situated in the State of California, held by an individual, partnership or corporation as a subscriber of any reciprocal or inter-insurance exchange which exchange is not authorized to do business in the State of California shall be null and void; *provided*, that any insurance agreement or agreement for indemnity on goods in transit or the property of common carriers used by such common carriers in the transaction of their business as such carriers shall be deemed not rendered void.

SEC. 8. For the purpose of taxation under the provisions of Section 14 of Article XIII of the Constitution of the State of California all contracts of indemnity between individuals, partnerships and corporations under the provisions of this Act shall be deemed to be contracts of insurance under and subject to the provisions of such Section 14, Article XIII, of the Constitution of the State of California.

SEC. 9. Individuals, partnerships and corporations exchanging reciprocal or inter-insurance contracts providing indemnity among each other shall be exempt from the provisions of other insurance laws of this State.

SEC. 10. This Act shall take effect July 1, 1911.

Committee substitute adopted, ordered to print, engrossment, and third reading.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, after the figures 628, insert the following:

"Every person who, between the 15th day of February and the 15th day of September of each year, buys, sells, takes, catches, kills or has in his possession any lobster or crawfish or who at any time has in his possession any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers;"

Amendment refused adoption.

Also:

The following amendment was offered by Senator Welch:

Strike out of Section 1, all the remainder of said section commencing with the words "and every person" in line 12, and insert in lieu thereof the following: "Or every person who, between the 15th day of February and the 15th day of September of each year, buys, sells, takes, catches, kills or has in his possession any lobster or crawfish or who at any time has in his possession any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers, is guilty of a misdemeanor; and every person who, at any time has in his possession any dressed catfish less than seven inches in length not including the head, or who at any time kills or has in his possession any sturgeon of less than twenty-five pounds in weight, or who between the first day of November and the first day of March of the year following, buys, sells, takes, catches, kills, or has in his possession any crab, or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession any female crab, or any crabs which shall measure less than seven inches across the back, or any abalones except the red abalone (*Haliotis rufescens*) which shall measure not less than seventeen inches around the outer edge of the shell and the black abalone (*Haliotis cracherodii*) which shall measure not less than thirteen inches around the outer edge of the shell; *provided*, that all abalone must be brought to shore at regular landing places before being removed from the shell. Every person who at any time offers for shipment, ships or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, any dried abalone, caught or taken in the waters of this State, is guilty of a misdemeanor; *provided*, that the possession of such abalone shall be prima facie evidence of the fact that such abalone was caught or taken in the waters of this State; and *provided*, that it shall at all times be lawful for any person or persons, to buy, sell or have in his possession the shell of any abalone caught or taken without the waters of this State, and hearing after inspection such evidence of having been so caught or taken as shall be hereafter proscribed by

the Fish and Game Commission; and provided, further, that the expense of such inspection shall be borne by the person or persons importing abalone shells.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 147 was temporarily passed on file, to retain its place.

Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 145 was temporarily passed on file, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was temporarily passed on file, to retain its place.

Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

During second reading of the bill, the following amendment was submitted by committee:

Strike out of Section 1, line 2, of the printed bill, the word "other."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 279—An Act to establish the California scenic highway; to define its course; to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

On motion of Senator Caminetti, Senate Bill No. 279 was temporarily passed on file, to retain its place.

Senate Bill No. 108—An Act to provide for the survey, location and construction of a State highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Senate Bill No. 108 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

On motion of Senator Caminetti, Senate Bill No. 156 was temporarily passed on file, to retain its place.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 152 was temporarily passed on file, to retain its place.

Senate Bill No. 149—An Act appropriating money for the equipment of the Trades building at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 149 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, after the word "whatever", insert the following: "from any person".

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the word "any", insert the word "such".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and

other corporations for the benefit of the State, all relating to revenue and taxation."

On motion of Senator Thompson, Senate Bill No. 735 was temporarily passed on file, to retain its place.

Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof", which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 4 of title, strike out the word "court," and insert in lieu thereof the word "courts,".

Amendment adopted.

Also:

On page 1, line 7 of title, after the figures and comma "1901," insert the following: "relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts,".

Amendment adopted.

Also:

On page 1 strike out the "period" at the end of the last line of the title, and insert in lieu thereof the following: ", relating to the presiding judges of said courts."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "court", and insert in lieu thereof the following: "courts".

Amendment adopted.

Also:

On page 2, Section 1, after line 38, insert the following paragraph:

"The prosecuting attorney shall have the power to make and present to the said police court, or any judge thereof, in any case where an offense has been committed in said city, that is triable in said court, and any person whose attendance as a witness at the trial is necessary in the judgment of said prosecuting attorney resides out of the county in which said court is located, or is served with the subpoena outside of said county, an affidavit stating that he believes the evidence of such witness is material and his attendance at the trial is necessary."

Amendment adopted.

Also:

On page 3, Section 3, line 8, strike out the period after the figures "1912", and insert in lieu thereof the following: ": and provided, further, that the presiding judge may be removed at any time and another appointed in his place by a vote of a majority of them."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 17, of printed bill, strike out the word "control", and insert in lieu thereof the following: "have and exercise police control over".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1124—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement", approved March 24, 1903.

During second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 1, of printed bill, line 49, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight a, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

During the second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 15, strike out the word "tin" and insert in lieu thereof the word "in".

Amendment adopted.

Also:

On page 2, Section 1, lines 18 and 19, strike out the words "thereof, which map must also show the proposed relocation or removal of such tracks.", and insert in lieu thereof the following: "of such tracks."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of an exposition in Balboa Park in said city of San Diego.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by inserting in line 1, after the words "granted to" the following: "the board of park commissioners of".

Amendment adopted.

Also:

In Section 1, page 1, line 1, of the printed bill, before the words "city of" insert the following: "board of park commissioners of the".

Amendment adopted.

Also:

In Section 2, page 1, line 1, of the printed bill, before the word "city of" insert the following: "board of park commissioners of the".

Amendment adopted.

Also:

In line 11, Section 2, page 2, of the printed bill, before the words "city of" insert the following: "board of park commissioners of the".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF DAILY FILE—SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Cutten, the second-reading file of Assembly Bills was taken up.

Assembly Bill No. 656—An Act to amend section one of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Caminetti, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 14 for consideration, out of order, for the purpose of re-reference to committee.

Senate Bill No. 14—An Act relating to the liability of employers for

injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

MOTION.

Senator Roseberry moved that Senate Bill No. 14 be re-referred to Committee on Finance, and retain its place on the file.

Senate Bill No. 14 ordered re-referred to Committee on Finance.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Sanford, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 622—An Act to recognize, and declare valid all proceedings in South San Joaquin Irrigation District.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 622 ordered to enrollment.

Assembly Bills Nos. 231, 587, and 570 read first time, and referred to Committee on Hospitals and Asylums.

MOTION.

Senator Sanford announced that Assembly Bill No. 570 is identical with Senate Bill No. 432, and moved that Assembly Bill No. 570 and Senate Bill No. 432 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 570 and Senate Bill No. 432 ordered referred to Committee on Engrossment and Enrollment.

ADJOURNMENT.

At eight o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 21, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Bunker, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Eschville, Fann, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Macomber, Rogan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tupper, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 20, 1911, the further reading was dispensed with, on motion of Senator Rush.

APPROVAL OF THE JOURNAL.

The Journals of Monday, January 30, Tuesday, January 31, Wednesday, February 1, Thursday, February 2, Friday, February 3, 1911, having been corrected, were read and approved.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. D. Tillotson, of Redding, Harry Donnelly, of Kennett, and G. J. Hordey, of Coram.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to G. C. Young, of San Luis Obispo.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Jas. Steinhart, of San Francisco.

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. H. Charlesworth, of Omaha.

On request of Senator Juilliard, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to R. T. McKissick and Geo. W. Price, both of Sacramento.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Chas. Northrop, of San Francisco.

On request of Senator Hans, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Thos. Stoddard, of Oakland.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. O. T. Hamlin, of Oakland.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to M. T. U'Ren, of San Francisco.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. D. Egilbert, of Redding.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Shanahan moved that the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635, be postponed temporarily.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 1096 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it pass as amended.

WALKER, Chairman.

Senate Bill No. 703 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within

the county of Santa Cruz have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as presented.

WALKER, Chairman.

Assembly Bill No. 539 ordered on file for second reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That the State Printer be and he is hereby directed to print one thousand copies of Senate Bill No. 14, as amended in the Committee on Corporations.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that same be adopted.

HANS, Chairman.

Report and resolution read and adopted.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a Senate concurrent resolution by Senator Cutten, entitled "Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909"—have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said concurrent resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Birdsall:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either House after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that Senator Cutten be and he is hereby permitted to introduce the Senate concurrent resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Joshiard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following Senate concurrent resolution was introduced:

By Senator Cutten: Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

Senate concurrent resolution referred to Committee on Municipal Corporations.

MOTION.

Senator Hewitt asked for, and was granted, unanimous consent to recall from the Assembly Senate Constitutional Amendment No. 5, and that the same be placed on file for adoption.

Senate Constitutional Amendment No. 5 ordered recalled from Assembly, and placed on file for adoption.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 713 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Estudillo, Gates, Hans, Hare, Hewitt, Holoban, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of State salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Senate Bill No. 571 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

On motion of Senator Estudillo, Senate Bill No. 572 was temporarily passed on file, to retain its place.

Senate Bill No. 30—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Estudillo, Gates, Hans, Hare, Hewitt, Holoban, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political

Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 616 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Also: Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 21st day of February, 1911, at ten o'clock and thirty minutes A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any public highway in the State of California and prescribing a penalty for the violation of such section.

Also: Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Also: Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Also: Senate Joint Resolution No. 20—Relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 20th day of February, 1911, at five o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Also: Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in the kitchen, boys' department of the Whittier State School.

Also: Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 367*d*, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 20th day of February, 1911, at five o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena and depositions.

Also: Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100*a*, relating to the attendance of the county auditor or a deputy county auditor at a State convention of county auditors.

Also: Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

And report that the same have been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bills Nos. 745, 488 and 894 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

And: Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital—for comparison.

And report that the same have been found not identical.

CASSIDY, Chairman.

MOTION.

Senator Sanford announced that Assembly Bill No. 570 is identical with Senate Bill No. 432, and moved that Assembly Bill No. 570 and Senate Bill No. 432 be re-referred to Committee on Engrossment and Enrollment for further comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 570 and Senate Bill No. 432 ordered re-referred to Committee on Engrossment and Enrollment.

REPORT OF STANDING COMMITTEE—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Also: Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

Also: Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness contracted and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature, entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also: Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State."

Also: Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Also: Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 4, 84, 85, 89, 90, 91, 93, 94, 95, 226, 227, 292, 1053, 758, 933, and 1029 ordered on file for third reading.

REPORTS OF SPECIAL COMMITTEE—(OUT OF ORDER)

The following reports of special committee were received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Burnett entitled, "An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year"—have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Shanahan:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth

day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Burnett be, and he is, hereby permitted to introduce the bill recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER.)

The following bill was introduced:

By Senator Burnett: Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Birdsall entitled "An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs"—have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hurd:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either House after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Birdsall be, and he is, hereby permitted to introduce the bill recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER.)

The following bill was introduced:

By Senator Birdsall: Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

MOTION.

On motion of Senator Hurd, Senate Bill No. 1233 was ordered on file without reference to committee.

Motion carried.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER)

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Welch entitled "An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California", have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Gates:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Welch be, and he is, hereby permitted to introduce the bill recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The following bill was introduced:

By Senator Welch: Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Bill read first time, and referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Thompson entitled "An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles," have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Black:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Thompson be, and he is hereby, permitted to introduce the bill recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Sanford, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Thompson: Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles.

Bill read first time, and referred to Committee on Finance.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Hewitt, as a special committee of one, to amend as follows:

On page 1, of the printed bill, strike out all of Section 3 after the word "for", in line 2 thereof, and insert in lieu thereof the following: "irrigation, or for supplying water for municipal, manufacturing, domestic or power purposes, or other beneficial uses or purposes, and what artesian wells are flowing wastefully, and not used for any of such uses or purposes."

Also, On page 1, Section 4, line 4, of the printed bill, strike out the words "the irrigation", and insert in lieu thereof the words "any of the uses or purposes".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 572, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Senate Bill No. 894 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Senate Bill No. 895 was temporarily passed on file, in the absence of the author, to retain its place.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts—was refused adoption, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Senate constitutional amendment was refused adoption, be postponed for fifteen minutes.

Motion carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 596—An Act to require corporations and their officers to permit the attorney general or any of his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases, making failure to comply with this Act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith, and fixing venue.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 596 refused passage by the following vote:

AYES—Senators Caminetti, Hare, Hurd, Juilliard, Sanford, and Shanahan—6.

NOES—Senators Avey, Behan, Bell, Birdsall, Black, Boontton, Bryant, Burnett, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Holahan, Larkins, Lewis, Martinelli, Regan, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts—was refused adoption, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Campbell moved that the vote whereby Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts—was refused adoption, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—Senator Burnett—1.

MOTION.

Senator Campbell moved that Senate Constitutional Amendment No. 7 be placed on the file as unfinished business.

Motion carried.

Senate Constitutional Amendment No. 7 ordered on file as unfinished business.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

And: Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital—for comparison.

And report that the same have been found not identical.

CASSIDY, Chairman.

Senate Bill No. 432 ordered on file for third reading.

Assembly Bill No. 570 ordered referred to Committee on Finance.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE.

Senator Hans moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Also: Senate Bill No. 704—An Act to pay the claim of Louis Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Also: Senate Bill No. 966—An Act to provide for the purchase of being cases in the office of the Department of Engineering and making an appropriation therefor.

Also: Senate Bill No. 1031—An Act appropriating money for the rescue in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 266, 704, 916, 966, and 1031 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 14, from the Committee on Corporations. An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 14 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 401, from the Committee on Public Buildings and Grounds. An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 401, 403, 443, 444, and 660 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred Senate Bill No. 402, from the Committee on Public Buildings and Grounds. An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bill No. 402 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred Senate Bill No. 453, from the Committee on Agriculture and Dairying—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter or cheese; to provide for the enforce-

ment of its provisions and for the punishment of violations thereof, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Agriculture, Dairying, Fruit and Vine Interests.

CUTTEN, Chairman.

Senate Bill No. 453 ordered re-referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

PRESENTATION OF BILLS, ETC.—(OUT OF ORDER).

Senator Regan offered, and sent to the desk for introduction, a Senate joint resolution.

Senate joint resolution ordered referred to Committee on Introduction of Bills.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 745 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cassady, Curtin, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 927 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Gates, Hare, Hewitt, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Bell, as a special committee of one, to amend as follows:

Add after the word "provided", in Section 3, line 38, page 4, the following: "or at any time within ten days after the time fixed for the opening of bids, if no bids have been received."

Also: Strike out of Section 3, page 4, line 41, the words "in such award" and insert in lieu thereof the following: "therein."

Also: Strike out the semicolon after the word "made", in Section 3, page 5, line 48, and insert in lieu thereof the following: "; or if no bids have been received and the work is to be executed by the municipality itself as herein provided, such cost and expense shall not exceed the amount of the estimate thereof provided for in Section 2 of this Act."

Also: Insert after the word "bid," in Section 3, page 5, line 49, the following: "or of said estimate in case no bids are received."

Also: Insert after the word "then" in Section 3, page 4, line 10, the word "and."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 896, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

On motion of Senator Hewitt, Senate Bill No. 900 was temporarily passed on file, to retain its place.

Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 792 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Gates, Hare, Hewitt, Holohan, Burd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shaaban, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BURNETT IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Burnett, of the Twenty-fifth District, in the chair.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes p. m., on motion of Senator Stetson, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cassidy, Finn, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—Senators Cutten, Estudillo, Gates, and Lewis—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 718 was this day passed.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, at your request, returns Committee Substitute for Senate Constitutional Amendment No. 5.

Committee Substitute for Senate Constitutional Amendment No. 5.—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

MOTION.

Senator Hewitt moved that committee substitute for Senate Constitutional Amendment No. 5 be replaced on file.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Also: Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Also: Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876.

Also: Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Also: Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Also: Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 718, 797, 1068, 175, 780, and 108 read first time.

Assembly Bill No. 718 referred to Committee on Corporations.

Assembly Bill No. 797 referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 1068 referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 175 referred to Committee on Roads and Highways.

Assembly Bill No. 780 referred to Committee on Irrigation.

Assembly Bill No. 108 referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

Also: Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court and the District Court of Appeal, Third District.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Joint Resolution No. 6 referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 14 referred to Committee on Public Buildings and Grounds.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Also: Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Also: Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also: Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators and guardians.

Also: Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same.

Also: Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 431, 98, 159, 573, 725, 602, 601, 600, 105, 76, 163, and 132 ordered to enrollment.

RECESS.

At twelve o'clock and forty-five minutes p. m., the acting President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Wolfe moved that Rule No. 14 of the Standing Rules of the Senate be suspended for the remainder of the day.

Motion carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof, relating to tree squirrels.

On motion of Senator Sanford, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

On motion of Senator Curtin, Assembly Bill No. 269 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Thompson, Assembly Bill No. 473 was temporarily passed on file, to retain its place.

Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Gates, Hewitt, Holohan, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District No. 830," and providing for the control and management thereof.

On motion of Senator Curtin, Assembly Bill No. 618 was temporarily passed on file, to retain its place.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 419 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries in the counties of Sonoma, Napa, and Solano.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 716 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent

the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1042 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Burnett, Camneriti, Campbell, Cutten, Gates, Hare, Hewitt, Holahan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 568 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cutten, Gates, Hewitt, Holahan, Hurd, Julliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

WHEREAS, Salinas City, a municipal corporation of the county of Monterey, State of California, now is, and was at all of the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and has been since the year 1903, and now is, organized and acting under a freeholders' charter, adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special municipal election held therein on Monday, the 12th day of January, 1903, and approved by the Legislature of the State of California on the 11th day of February, 1903 (Statutes of 1903, pages 599 to 645, inclusive); and,

WHEREAS, Pursuant to Section 8 of Article XI of the Constitution of the State of California, there was duly submitted, received and filed with the council of Salinas City, on October 19, 1908, a petition, duly and regularly signed by fifteen per cent of the qualified voters of Salinas City, requesting that three certain amendments, therein set forth, to the charter of Salinas City, be submitted to the qualified voters of Salinas City for approval; and,

WHEREAS, The city council of said city did, by ordinance No. 84, (new series), which was duly adopted on the first day of March, 1909, and approved by the mayor on the first day of March, 1909, order the holding of a general municipal election in Salinas City, on the 7th day of June, 1909, which said ordinance, among other matters, set forth the said three proposed amendments to the charter of Salinas City, and provided for their submission to the qualified electors of said city for their ratification at said general election, and provided that the city clerk of Salinas City cause notice by publication in the Salinas Daily Index, a daily newspaper of general circulation, printed, published and circulated in said Salinas City, to be given of said general municipal election, and provided that each notice of said general municipal election contain, among other matters set forth therein, the said three proposed amendments to the charter of said city; and,

WHEREAS, Pursuant to said Ordinance No. 84, (new series), the said city clerk of Salinas City caused notice of said general municipal election, containing and setting forth said three proposed amendments to the charter of Salinas City, to be published in said Salinas Daily Index, for a period commencing on the 22d day of March, 1909, and ending on the 5th day of June, 1909; and,

WHEREAS, Said three proposed amendments were published in said Salinas Daily

Index on the 22d day of March, 1909, and continuously thereafter for a period of twenty days, and such publication as aforesaid was made at least forty days before the 7th day of June, 1909, the day fixed for holding said general municipal election, and.

WHEREAS, At said general municipal election, a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify, each of said three proposed amendments, to wit: Amendment number two thereof, and did not ratify numbers one and three of said proposed amendments; and.

WHEREAS, The city council of said city, at a regular meeting thereof, held within five days after said general municipal election for such purpose, as provided by the charter of said city, duly canvassed the returns of said election, and thereon determined and declared that a majority of such qualified electors (within the limits then voted for and ratified number two of said proposed amendments, and rejected said numbers one and three of said proposed amendments), and.

WHEREAS, Said proposed amendment to said charter, so ratified by a majority of the qualified electors of said city voting at said general municipal election, is in words and figures as following, to wit:

AMENDMENT NUMBER TWO.

"That a new article be added to the charter of Salinas City, to be known as Article XVIII, which shall read as follows:

"THE REFERENDUM.

"SECTION 1. No action providing for the sale or lease of any city property exceeding five hundred dollars in value and no ordinance passed by the council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which constitutes a statement of its urgency), and is passed by a vote of two-thirds of the council, and approved by the mayor or the unanimous vote of all councilors after the council has approval, but no grant of any franchise shall be construed to be effective until it shall go into effect before thirty days from the time of its approval by the council, at the time of its passage over his vote, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last general municipal election at which a mayor was elected, protesting against the passage of said ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider said ordinance, and if the same is not entirely repealed, the council shall submit the ordinance proposed to the vote of the electors of the city, either at the next general municipal election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

"SEC. 2. Any measure that the council or the electorate of the city, as here provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

"SEC. 3. Notice of any such election shall be given in the same manner as notices of other city elections are given."

STATE OF CALIFORNIA.

COUNTY OF MONTEREY. ss.

THIS IS TO CERTIFY, That we, F. A. Abbott, mayor, and John J. Kelly, city clerk, of Salinas City, have compared the foregoing proposed and ratified amendment number two with the same as set forth in said petition submitted, received and filed with the council of Salinas City, pursuant to Section 8 of Article XI of the Constitution of the State of California, on October 19th, 1908, duly and regularly signed by fifteen per cent of the qualified voters of Salinas City, requesting among other matters, that said proposition and ratified amendment number two be submitted to the qualified electors of Salinas City for approval, and find that the foregoing is a full, true, correct and exact copy thereof.

AND WE FURTHER CERTIFY, That the facts set forth in the preamble preceding said amendment number two are, and each of them is, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the official seal of Salinas City to be hereto attached this 7th day of January, 1911.

[SEAL]

F. A. ABBOTT,
Mayor of Salinas City.

Attest: JOHN J. KELLY,
City Clerk of Salinas City.

AND WHEREAS, Said proposed amendment so ratified as heretofore set forth has been duly presented and submitted to the Legislature of the State of California,

for approval or rejection in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the charter of said Salinas City hereinabove set forth, as presented and submitted to, and adopted and ratified by, the qualified electors of said city, be, and the same is hereby, approved as a whole for and as an amendment to the charter of Salinas City.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled “An Act to provide for the organization, incorporation and government of municipal corporations,” approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Cutten, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Strobbridge, Thompson, Walker, Welch, and Wright—26.

NOES—Senators Birdsall, Caminetti, Curtin, Hare, Sanford, Shanahan, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1006—An Act to amend an Act entitled “An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes,” approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1006 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Strobbridge, as a special committee of one, to amend as follows:

By inserting after the word "town", on line 7, Section 1, the words "permanent road division bonds issued under the provisions of Part III, Title VI, Article IX of this code".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 141, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and third reading.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT — OUT OF ORDER.

Senator Gates asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 23 for consideration out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 23 — A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the election of public officials.

The following amendments to Senate constitutional amendment were offered by Senator Gates:

On page 2, of the printed amendment, line 18, strike out the word "eight", and insert in lieu thereof the word "twelve".

Amendment adopted.

Also:

On page 2, strike out of lines 21 and 23, the brackets and the matter included therein.

Amendment adopted.

Also:

On page 2, line 21, insert after the word "occupies" the following: "*provided that if the officer sought to be removed is a State officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies*".

Amendment adopted.

Also:

On page 2, line 27, insert after the word "circulated" the following: "*provided that if the officer sought to be removed was elected in the State at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated*".

Amendment adopted.

Also:

On page 2, line 47, insert between the words "printed" and "the" the following: "*in not more than two hundred words*".

Amendment adopted.

Also:

On page 5, line 148, strike out all of said line except the first two words thereof, also, strike out all of lines 149 to 154, inclusive, and insert in lieu thereof the following: "not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purposes."

Amendment adopted.

Also:

On page 5, line 154, strike out the period after the word "laws", and insert in lieu thereof a comma and insert immediately thereafter the following: "and no proceeding for another recall election of said incumbent shall be initiated within six months after such election".

Amendment adopted.

Also:

On page 6, line 163, strike out "powers of the people may", and insert in lieu thereof the following: "shall also".

Amendment adopted.

Also:

On page 6, line 164, strike out the word "and" between the words "county" and "city" and insert between the words "city" and "of" the following: "and town".

Amendment adopted.

Also:

On page 6, line 165, before the word "under", insert "with reference to the elective officers thereof".

Amendment adopted.

Also:

On page 6, line 165, strike out the word "may", and insert in lieu thereof the word "shall".

Amendment adopted.

Also:

On page 6, line 167, strike out the word "or" between "county" and "city", and insert between "city" and "may", the following: "or town".

Amendment adopted.

Also:

On page 6, line 169, strike out the word "and" between the words "counties" and "cities", and insert between "cities" and "but", the following: "and towns".

Amendment adopted.

Also:

On page 6, line 169, strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

Also:

On page 6, line 170, strike out after the word "the" the following: "electors thereof to order the recall" and insert in lieu thereof the following: "entire vote for all candidates for the office, the incumbent of which is sought to be removed".

Amendment adopted.

Also:

On page 6, line 172, insert between the words "cities" and "or", the following: "or counties".

Amendment adopted.

Also:

On page 6, lines 172 and 173, strike out the words "freeholders charters", and insert in lieu thereof the following: "charters adopted under the authority given by the Constitution".

Amendment adopted.

Senate Constitutional Amendment No. 23 ordered to print, engrossment, and on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up for consideration Assembly Bill No. 781 out of order, for the purpose of amendment.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the State school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out of Section 6, line 2, page 3, the words: "State Controller", and inserting in lieu thereof the following: "Superintendent of Banks".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 781, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report of special committee of one, and amendments, adopted.

MOTION.

Senator Curtin moved that the bill remain on file for the purpose of further amendments.

Motion carried.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising thereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 843—An Act to adopt a State song for the State of California.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER.)

On motion of Senator Boynton, the second-reading file of Senate bills was taken up.

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act.

During second reading of the bill, the following amendments were offered by Senator Boynton:

Amend line 2, Section 2, of the printed bill, by striking out the word "commission", and inserting in lieu thereof the word "commissioner".

Amendment adopted.

Also:

Amend line 46, Section 2, of the printed bill, by striking out the words "go on a strike", and inserting in lieu thereof the words "to go on a strike".

Amendment adopted.

Also:

Strike out of line 11, Section 5, of the printed bill, the word "nominee", and insert in lieu thereof the word "nominees".

Amendment adopted.

Also:

Insert in line 3, Section 8, of the printed bill, after the word "parties", the words "to the dispute".

Amendment adopted.

Also:

Insert a comma in line 11, Section 14, of the printed bill, after the word "days".

Amendment adopted.

Also:

Strike out of line 7, Section 17, of the printed bill, the word "shall", and insert in lieu thereof the word "should".

Amendment adopted.

Also:

Insert a comma after the word "except", in line 20, Section 21, of the printed bill.

Amendment adopted.

Also:

Insert a comma after the word "possession", also after the word "control", in line 3, Section 22, of the printed bill.

Amendment adopted.

Also:

Insert a comma after the word "board", in line 2, Section 23, of the printed bill.

Amendment adopted.

Also:

Strike out portion S, Section 24, of the printed bill, the word "sailing", and insert in lieu thereof the word "sailing".

Amendment adopted.

Also:

Insert a comma after the word "board", in line 8, Section 25, of the printed bill.

Amendment adopted.

Also:

Strike out in line 12, Section 26, of the printed bill, the word "or", and insert in lieu thereof the word "any".

Amendment adopted.

Also:

Insert a comma after the word "Governor", in line 1, Section 27, of the printed bill.

Amendment adopted.

Also:

Strike out in lines 15 and 16 of Section 46, of the printed bill, and insert in lieu thereof the following: "After the first day, the board shall so report to the Governor. And there is a dispute among any of the provisions of this Act to unjustly discriminate against certain in favor of a particular."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 14—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

SPECIAL ORDER SET.

Senator Curtis moved that the consideration of Senate Bill No. 13 be made a special order for Thursday, February 23, 1911, immediately after the consideration of second-reading file of Assembly bills.

Motion carried.

SECOND READING OF SENATE BILLS—RESUMED.

Senate Bill No. 147—An Act appropriating money for the purchase of building and furniture and for repairs for the use of the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and insert in lieu thereof the following:

"Section 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and insert in lieu thereof the following:

"Section 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and insert in lieu thereof the following:

Section 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same. Of the total amount hereby appropriated three thousand dollars shall be available July 1, 1911, and seven thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 279—An Act to establish the California scenic highway: to define its course; to provide for its supervision, construction repair and maintenance and to make an appropriation therefor.

During second reading of the bill, the following amendments were offered by Senator Caminetti:

Amend title, line 2, page 1, by striking out the words "California scenic" and inserting the words, "Alpine State".

Amendment adopted.

Also:

Amend Section 1, page 1, in line 4, by striking out the word "mounty" and inserting the word "mount".

Amendment adopted.

Also:

Amend Section 1, page 1, in line 7, by inserting after the word "Tahoe", the words, "Wagon Road, a".

Amendment adopted.

Also:

Amend Section 1, page 1, line 11, by striking out the words "California Senate", and inserting the words "Alpine State".

Amendment adopted.

Also:

Amend Section 4, page 2, line 6, by striking out the word "twelve", and inserting the word "seven".

Amendment adopted.

Also:

Amend Section 4, page 2, line 8, by striking out the figures "1911", and inserting the figures "1912".

Amendment adopted.

Also:

Amend Section 4, page 2, line 8, by striking out the word "twelve", and inserting the word "seventeen".

Amendment adopted.

Also:

Amend Section 4, page 2, line 10, by striking out the figures "1912", and inserting the figures "1913."

Amendment adopted.

Also:

Amend by adding a new section to said bill to be numbered Section 5, to read as follows:

Section 5. The Controller of the State of California is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Department of Engineering and the State Treasurer is hereby directed to pay the same.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 108. An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 7, Section 1, of the printed bill, strike out all after the semicolon, and strike out lines 8, 9, and 10 of Section 1, and insert in lieu thereof the following: "The money hereby appropriated shall be available on and after July 1, 1912."

Amendment adopted.

Also:

In line 3, Section 3, of the printed bill, insert after the word "may" a comma, and the following: "after said amount becomes available,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

During second reading of the bill, the following amendments were submitted by committee:

After the word "room" in fourth line of title, insert the following: "at the Preston School of Industry."

Amendment adopted.

Also:

In line 3, Section 1, after the word "used", strike out the words "by the trustees of the Preston School of Industry."

Amendment adopted.

Also:

Strike out all of Section 2 and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and insert in lieu thereof the following:

"Section 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike all of Section 2 and insert in lieu thereof the following:

"Section 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 and insert in lieu thereof the following:

"SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners and the Treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

On motion of Senator Curtin, Senate Bill No. 735 was temporarily passed on file, to retain its place.

Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

During second reading of the bill, the following amendments were submitted by committee:

Insert a quotation mark before the word "public", also a quotation mark after the word "California", in line 2, Section 1, of the printed bill.

Amendment adopted.

Also:

Insert in line 7, Section 1, of the printed bill, after the word "four", the words "of this Act".

Amendment adopted.

Also:

Insert the word "city," before the word "county", in line 2, Section 2, of the printed bill.

Amendment adopted.

Also:

Insert a comma after the word "county", in line 2, Section 2, of the printed bill.

Amendment adopted.

Also:

Insert after the word "city", at the end of line 2, Section 2, of the printed bill, the words "and county".

Amendment adopted.

Also:

Strike out lines 2 and 3, of Section 3, of the printed bill, and insert in lieu

thereof the following: "the age of sixty years and who shall have served on a teacher's legal certificate, as teacher or school superintendent, or partly as teacher".

Amendment adopted.

Also:

Strike out of line 8, Section 3, of the printed bill, the word "just", and insert in lieu thereof the word "above".

Amendment adopted.

Also:

Strike out of line 17, Section 3, of the printed bill, the word "terms", and insert in lieu thereof the word "term".

Amendment adopted.

Also:

Strike out of line 21, Section 3, of the printed bill, the word "terms", and insert in lieu thereof the word "term".

Amendment adopted.

Also:

Strike out all of line 23, Section 3, of the printed bill, and insert in lieu thereof the following: "by public funds and subject to city, county, or city and county, or".

Amendment adopted.

Also:

Strike out of line 25, Section 3, of the printed bill, the word "legal", and insert after the word "teacher's" in said line the word "legal".

Amendment adopted.

Also:

Strike out of line 29, Section 3, of the printed bill, the word "legal", and insert in said line after the word "teacher's" the word "legal".

Amendment adopted.

Also:

Strike out of line 23 of Section 4, of the printed bill, the word "legal", and insert in said line after the word "teacher's" the word "legal".

Amendment adopted.

Also:

Insert in line 6, Section 4, of the printed bill, before the word "incapacitated", the word "totally".

Amendment adopted.

Also:

Strike out of line 13, Section 4, of the printed bill, the word "legal", and insert in said line after the word "teacher's" the word "legal".

Amendment adopted.

Also:

Strike out of line 17, Section 4, of the printed bill, the word "legal", and insert in line 18, Section 4, of the printed bill, after the word "teacher's" the word "legal".

Amendment adopted.

Also:

Insert in line 4, Section 6, of the printed bill, after the letters "munities" a comma, also the words "or bodies of teachers."

Amendment adopted.

Also:

Strike out of line 2, Section 8, of the printed bill, the figures "\$500", and insert in lieu thereof the words "three hundred and sixty dollars per annum".

Amendment adopted.

Also:

Strike out of line 4, Section 8, of the printed bill, the figures "\$1,200", and insert in lieu thereof the following: "Nine hundred dollars per annum."

Amendment adopted.

Also:

Strike out all of Section 9, and insert in lieu thereof a new section to be numbered "SEC. 9" to read as follows: "All teachers already retired, or eligible to be retired, under the Act to amend an Act approved March 26th, 1895, entitled 'An Act to create and administer a public school teacher's annuity and retirement fund in the several counties, and cities and counties in the state' (approved March 29th, 1897; amended March 20th, 1903), shall be eligible under this Act."

Amendment adopted.

Also:

Add a new section to be known as Section 10, to read as follows:
"Sec. 10. This Act shall take effect July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 912.—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires, and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, strike out the word "Subdivision".

Amendment adopted.

Also:

On page 2, Section 1, line 20, strike out the letters "Subd."

Amendment adopted.

Also:

On page 2, Section 1, line 21, strike out the word "cause", and insert in lieu thereof the following: "caused".

Amendment adopted.

Also:

On page 2, Section 1, line 23, strike out the letters "Subd."

Amendment adopted.

Also:

On page 3, Section 1, line 48, strike out the letters "Subd."

Amendment adopted.

Also:

On page 3, Section 1, line 58, strike out the letters "Subd."

Amendment adopted.

Also:

On page 3, Section 2, lines 1 and 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 22, strike out the words "to notify", and insert in lieu thereof the following: "give notice".

Amendment adopted.

Also:

On page 2, Section 1, line 26, after the word "required," add the following: "If said mortgagee resides out of the State, or cannot after due diligence be found within the State, said executor or administrator shall record such notice, to such mortgagee, in the office of the county recorder in which the said lien or encumbrance is recorded, and such recording shall constitute notice to such mortgagee as above required."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, of the printed bill, insert after the second word "of", the word "the".

Amendment adopted.

Also:

On page 2, Section 1, line 44, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

Also:

On page 3, Section 1, line 65, after the word "justices" add the following: "all vacancies occurring in the offices of city justice shall be filled for the unexpired term by appointment by the Governor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the words "An Act entitled 'An Act to establish a,'" and insert in lieu thereof the following: "The"; also strike out the quotation marks after the word "Code".

Amendment adopted.

Also :

On page 1, title, line 3, strike out the following : "Approved February 14th, 1872."

Amendment adopted.

Also :

On page 1, title, line 8, strike out the quotation mark after the word "probation".

Amendment adopted.

Also :

On page 1, title, line 9, strike out the following : "Approved March 13th, 1909".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

During second reading of the bill, the following amendments were submitted by committee:

In Section 5, page 2, line 3, after the word "board", insert a "comma."

Amendment adopted.

Also :

Section 5, page 2, line 4, strike out the entire line and insert in lieu thereof the following : "prescribe the duties of such employee."

Amendment adopted.

Also :

In Section 6, page 3, line 7, strike out the "brackets" following the word "board".

Amendment adopted.

Also :

In Section 8, page 3, line 6, strike out the words "lawn or flower" and insert in lieu thereof the words "lawns or flowers".

Amendment adopted.

Also :

In Section 8, page 3, lines 11 and 12, strike out the words "lawn or flower", and insert in lieu thereof the words "lawns or flowers".

Amendment adopted.

Also :

In Section 11, page 4, line 1, strike out the words "county boards of supervisors", and insert in lieu thereof the words "boards of supervisors".

Amendment adopted.

Also :

In Section 11, page 4, line 3, strike out the word "county".

Amendment adopted.

Also :

In Section 11, page 4, line 4, strike out the word "county".

Amendment adopted.

Also :

In Section 11, page 4, line 5, strike out the word "county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, of the printed bill, strike out all of said Section 1 following the period after the word "salaries" in line 7 thereof, and insert in lieu thereof the following: "Should in the opinion of the auditor the fees to be collected be not sufficient to pay such salaries, it shall become the duty of the board of supervisors at the time the tax levy is made to estimate such deficiency and raise it by direct taxation the same as other funds."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Campbell moved to take up for consideration the motion made by Senator Curtin on January 26, 1911, to refer to a special committee of one to amend Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Motion carried.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 23, the period after the word "seventeen", and inserting in lieu thereof the following: a semicolon and add the following: "and

provided further, that the owner of record shall have once redeemed said property when sold to the State for delinquent taxes on an assessment thereof to unknown owners, or unknown owner, and at the time of such redemption shall pay to the State an amount equal to all taxes that would have accrued against said property for each year from the time of the deed to the State, according to the tax rate for each year subsequent to such deed to the State computed upon the last assessed valuation of such property before such deed was executed to the State.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 83, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 4 for consideration out of order, for the purpose of amendment.

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, in the printed bill, the words "obtaining the right of way for".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Gates, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 23.

SPECIAL ORDER SET.

Senator Gates moved that the consideration of Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials—be made a special order for Thursday, February 23, 1911, at eight o'clock P. M.

Motion carried.

PRESENTATION OF BILLS.

Senator Shanahan offered, and sent to the desk for introduction a bill.
Bill ordered referred to Committee on Introduction of Bills.

Also:

Senator Campbell offered, and sent to the desk for introduction a bill.
Bill ordered referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1188 ordered on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 1147 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobridge, as a special committee of one, to amend as follows:

By adding in Section 2, line 9, after the word "religion", the following: "traveling secretaries of Railroad Young Men's Christian Association".

Also: In Section 2, line 12, after the word "educational", insert the following: "and patriotic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1147, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reengrossment.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special order heretofore set for this day, being the further consideration of the report of the special committee

of one, on proposed Amendment No. 2 to Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Shanahan moved that the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635, be postponed, and made a special order for Wednesday, February 22, 1911, immediately after the reading of the Journal.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER)

On motion of Senator Finn, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed amended Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco, and respectfully ask your honorable body to concur in said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 421?"

Strike out the period after the words "San Mateo", in line 11, of Section 1, of the printed bill, and insert in lieu thereof the following: "*provided, that the right hereby granted shall never be assigned or transferred by said city and county of San Francisco.*"

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 421 by the following vote:

AYES—Senators Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hoiohan, Hurd, Jallhard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 421 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Senate Bill No. 1188 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Add a new section to be numbered 16 to read as follows:

SEC. 16. The State Board of Equalization shall, at the time mentioned in Section three thousand six hundred and ninety-six of the Political Code, for the

fiscal year beginning July first in the year one thousand nine hundred and eleven, and for each fiscal year thereafter, to and including the fiscal year beginning July first in the year one thousand nine hundred and fourteen fix, establish and levy such an ad valorem rate of taxation, upon every kind and character of property in the State of California not exempt from taxation on the first day of July in the year one thousand nine hundred and ten, as when levied upon all the property in this section mentioned, after making due allowance for delinquency, shall raise for each of said fiscal years, the sum of one million two hundred and fifty thousand dollars.

Also: Add a new section to be numbered 17 to read as follows:

SEC. 17. The taxes assessed, levied and collected for State purposes under the provisions of sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three of the Political Code shall be deemed to have been assessed, levied and collected for the purposes of raising to the extent of the amount collected, the moneys directed to be raised by section twenty-two of article four of the Constitution of this State as that section was amended on the eighth day of November in the year one thousand nine hundred and ten and as required by section sixteen of this Act.

Also: Add a new section to be numbered 18 to read as follows:

SEC. 18. All money collected by taxation as in this Act provided shall be paid over to the State Treasurer at the time and in the manner provided in chapter ten, part three, title nine, of the Political Code and by said State Treasurer credited to a fund to be known as the Panama-Pacific International Exposition Fund and paid out as provided in section four hereof.

Also: Renumber Section 16, of the printed bill, to read "SEC. 19."

Also: Renumber Section 17, of the printed bill, to read "SEC. 20."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1188, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Gates, as a special committee of one, to amend as follows:

Strike out the period following the word "fund" in line 18, Section 5, page 3, of the printed bill, and insert in lieu thereof a semicolon and the following: "*provided, further,* that any exhibitor shall be permitted to unpack, install, maintain and repack all exhibits in such manner as he may see fit, subject to uniform rules and regulations established by the exposition authorities and approved by the Commission appointed under the terms of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1188, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Senator Hurd, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 22, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Catten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Macinelli, Ryan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strebbridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 21, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. H. Kinney, of Pomona.

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to D. D. Brooks, of San Jose.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to G. C. Young, of San Luis Obispo.

On request of Senator Juilliard the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. W. F. Cowan, of Santa Rosa.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Shanahan moved that the further consideration of the report of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635, be postponed temporarily.

Motion carried.

PRESENTATION OF BILLS.

Senator Thompson offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

PETITION.

Senator Bell presented the following petition, which was ordered printed in the Journal:

CORNING, TEHAMA COUNTY, CALIFORNIA.

To the Honorable, the members of the Senate and the Assembly, Legislature of the State of California:

We, the undersigned, your petitioners, respectfully request you to enact into law Assembly Bill No. 1014, believing that such a law will be for the moral and material advantage of all the communities of our State.

W. HUGWIN, and others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

STROBRIDGE, Chairman.

Senate Bill No. 978 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 942—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of State hospitals.

Also: Senate Bill No. 930—An Act to amend Section 2141 of the Political Code, relating to the general powers and duties of the State Commission in Lunacy, to the government and management of state hospitals for the insane, and to the care and custody, apprehension and commitment of insane persons.

Also: Senate Bill No. 1034—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Also: Senate Bill No. 239—An Act to appropriate the sum of one hundred thousand (\$100,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the board of directors thereof, and provide for the payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back without recommendation, and to be re-referred to Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 942, 930, 1034, and 239 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 1146—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of State hospitals, and the purchase of supplies for such State hospitals—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 1146 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 56—An Act appropriating the sum of one hundred thousand dollars for the construction and equipment of a building or buildings at the Veterans' Home of California, for the use of wives and widows of dependent honorably discharged Union soldiers, sailors, or marines and providing for the plans for the construction and equipment of such building or buildings—have had the same under consideration, and respectfully report the same back and recommend that same do pass as amended, and be re-referred to Committee on Finance.

RUSH, Chairman.

Senate Bill No. 56 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 518 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make an appropriation for the same.

Also: Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also: Assembly Bill No. 79—An Act making an appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Finance.

RUSH, Chairman.

Assembly Bills Nos. 587, 272, 207, 270, 227, 231, 234, 82, 76, and 79 ordered re-referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public

park purposes by county boards of supervisors have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HEWITT, Chairman.

Senate Bill No. 504 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a Forestry Fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning, have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LEWIS, Chairman.

Senate Bill No. 747 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 502 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trademarks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation, have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Assembly Bill No. 388 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 694, relating to the payment of juror's and reporter's fees in actions other than criminal.

Also: Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3285a, relating to license of auctioneers.

Also: Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Also: Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint high school where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Also: Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California.

Also: Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

And report that same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 705, 746, 786, 912, 943, 946, 1011, 1058, 1098, 1125, and 1127 ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of State salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 571 was passed, to be placed at the foot of the file.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Senate Bill No. 894 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Senate Bill No. 895 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Hewitt, committee substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Bell as a special committee of one, to amend as follows:

On page 1, Section 1, line 7, of the printed bill, strike out the "period" after the word "State", and add the following: "over waters situated in whole or in part within the limit of such city and county, incorporated city or town."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 900, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutton, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

On motion of Senator Strobridge, Senate Bill No. 615 was temporarily passed on file, to retain its place.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

On motion of Senator Hewitt, Senate Bill No. 897 was passed, to be placed at the foot of the file.

Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate, and maintain water and gas pipes, mains, or conduits, electric light and electric power

lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue, or highway, or across any railway, canal, ditch, or flume.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 986 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities in cases where any damages to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1019 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Cullen, Hans, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of State hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the State prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit the asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time.

On motion of Senator Hurd, Senate Bill No. 959 was temporarily passed on file, to retain its place.

Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 957 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

On motion of Senator Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626*g* of the Penal Code, relating to the tree squirrel.

Senate Bill No. 158 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 488—An Act to add a new section to the Political Code to be numbered Section 4100*a*, relating to the attendance of the county auditor or a deputy county auditor at a state convention of county auditors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 refused passage by the following vote:

AYES—Senators Beban, Black, Campbell, Cartwright, Curtin, Cutten, Estudillo, Gates, Hewitt, Regan, Welch, and Wolfe—12.

NOES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Cassidy, Hare, Holohan, Hurd, Lewis, Martinelli, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Walker—22.

SENATE JOINT RESOLUTION No. 10,

Relative to the establishment of a parcels post.

WHEREAS, The establishment of a parcels post would be an inestimable benefit to the State of California and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

WHEREAS, It has been found possible for the American express companies to unite in giving to the British post office a flat rate of 24 cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

Resolved, That the Senate and Assembly of the State of California hereby join in requesting our representatives in the Senate and House of Representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by American express companies to the foreigner, viz: 24 cents for packages up to eleven pounds. And be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Secretary of the Senate to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—36.

NOES—None.

Senate Joint Resolution No. 10 ordered engrossed and transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Martinelli entitled "An Act to amend section eight of an Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition and construction or completion thereof, passed February 25th, 1907"—have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Hans.

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either House after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Martinelli be, and he is hereby, permitted to introduce the bill recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Hans, Hare, Hewitt, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER.)

The following bills, etc., were introduced:

By Senator Martinelli: Senate Bill No. 1236—An Act to amend section eight of an Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition and construction or completion thereof, passed February 25, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 10 Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910 have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Assembly Concurrent Resolution No. 10 ordered on file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Read third time.

On motion of Senator Cutten, Senate Bill No. 483 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

On motion of Senator Cutten, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 917 was passed, to be placed at the foot of the file.

SENATE JOINT RESOLUTION NO. 18.

Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

WHEREAS, The cities surrounding and adjacent to the bay of San Francisco began as early as the year 1871 to plan for and seek out an adequate and available source of supply of pure mountain water for their municipal and domestic needs; and

WHEREAS, After careful investigation and as a result of almost continuous effort from the year 1871 until the present time, these municipalities, by their own action and by that of the city of San Francisco as representative of all, have selected and secured the Hetch Hetchy and Lake Eleanor reservoir sites as the most adequate and feasible sources of supply; and

WHEREAS, These reservoirs are capable of storing pure mountain water, from the uninhabited and barren granite water sheds of the high Sierras in quantities sufficient for the present and future needs of these large and rapidly growing cities; and

WHEREAS, The honorable Secretary of the Interior, being by the honorable Attorney General of the United States first regularly advised that such action on his part would be legal and valid, granted to the city of San Francisco full and as representative of said municipalities full reserve rights at Hetch Hetchy and at Lake Eleanor, and by reason of and based upon this grant San Francisco has purchased at a cost of over \$565,000.00 all private lands and water rights in these reservoirs and owns under patent more than one half the area of each reservoir, and is about completing incidental purchases of additional privately held lands and lands for \$635,000.00; and

WHEREAS, The Hetch Hetchy and Lake Eleanor sources of supply were secured and a bond issue of \$15,000,000.00 for their development authorized by the city of San Francisco by a vote of more than twenty to one; and

WHEREAS, Certain well meaning people, misled by great private interests which would be adversely affected by municipal ownership of such water supply, have actively attacked the grant of the Hetch Hetchy reservoir site; and

WHEREAS, The present Secretary of the Interior, under protest of these people, has threatened to attempt to revoke the grant of the Hetch Hetchy site; and

WHEREAS, Such official action is tending to encourage and entourage, and strengthen the forces of private and corporate greed in their opposition to the development by the municipalities of this necessity of municipal existence, and to increase the burden of taxation which must fall upon the citizens of the municipalities by the enforced purchase of rights to water supplies already granted to these private corporations; and

WHEREAS, This action seriously impairs the market value of the city's municipal bonds and discourages the purchase thereof, thereby impairing the credit and standing of said municipality; now, therefore, be it

Resolved by the Senate and Assembly, jointly: That it is the sense of the Legislature of this State that the rights of the said city and county of San Francisco and the incidental rights of neighboring cities or counties to the use of said waters and reservoir sites should be protected and confirmed, and that the said city and county should be permitted to develop its proposed water supply with the cooperation and support of the Federal authorities, and be it further

Resolved, That the President of the United States is hereby petitioned to withdraw all opposition by the executive departments to the full enjoyment of such rights and to permit the development of said water supply under the terms of the grant of the Secretary of the Interior dated May 11, 1908, and be it further

Resolved, That the Secretary of the Senate be, and he hereby is, instructed to forward a copy of this resolution to the President of the United States.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Har, Hewitt, Holloman, Hurd, Lewis, Martinelli, Regan, Roscherry, Sanford, Shanahan, Stetson, Stronbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—31.

NOES—None.

Senate Joint Resolution No. 18 ordered engrossed and transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 635 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the report

of the special committee of one, on proposed Amendment No. 2 to Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—the same was taken up for consideration.

WITHDRAWAL OF PROPOSED AMENDMENT.

Senator Shanahan asked for, and was granted, unanimous consent to withdraw the amendment known as Amendment No. 2 to Senate Bill No. 635—

By inserting in Section 4, line 6, after the word "who" the words: "except on Monday, Thursday and Saturday of each week when salmon may be taken"—

which was referred to Senator Burnett, as a special committee of one on February 17, 1911.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to take up Senate Bill No. 635 for consideration out of order.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 635 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended thirty-five minutes.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Caminetti:

WHEREAS, It is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

WHEREAS, The Senate of the State of California, relying in good faith upon the assurances from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a "mutual agreement" between our Government and that of Japan, and that the latter nation was as anxious to retain, as we were to exclude them, patriotically and patiently, observed calmness pending negotiations for a new treaty; and

WHEREAS, This Senate notes with sincere regret the omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens; or, in lieu thereof, of such provisions therein continuing in force the said "mutual agreement," which has in the past been referred to by the Federal authorities as our shield and protector; and

WHEREAS, Our people have been led to believe and to hope that there would be no surrender of our rights in the premises; and

WHEREAS, It further appears that even the protective features of the present treaty with Japan, relating to immigration matters, are omitted in the new draft, therefore, be it

Resolved, That the Senate of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; be it further

Resolved, That we appeal to the Senate of the United States, in the name of the people of the State of California, to withhold and refuse its assent, to a compact fraught with so much danger to our citizens, to our industrial development and to our civilization; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to prevent the ratification of said treaty; be it further

Resolved, That the Governor be requested to immediately telegraph a copy of these resolutions to the President, the respective houses of Congress and to our Senators and Representatives in Congress.

Resolution read, and ordered referred to the Committee on Federal Relations.

RECESS.

At one o'clock and five minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened. Senator Wolfe, of the Twenty-first District, in the chair.

PRESENTATION OF BILLS, ETC.

Senator Welch offered, and sent to the desk for introduction, a joint resolution.

Senate joint resolution ordered referred to Committee on Introduction of Bills.

Also:

Senator Holohan offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

SUSPENSION OF RULES.

Senator Welch moved that Rule No. 63 of the Standing Rules of the Senate be suspended for the remainder of the day.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910—and report that the same have been correctly enrolled, and presented the same to the Governor on the 21st day of February, 1911, at five o'clock P. M.

CASSIDY, Chairman.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 1072—An Act to establish a State

Agricultural College and Forestry School at San Diego, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to the Finance Committee.

BILLS, Chairman.

Senate Bill No. 1072 ordered re-referred to Committee on Finance.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

MARTINELLI, Chairman.

Senate Bills Nos. 1067 and 1068 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Burnett offered, and sent to the desk for introduction, a constitutional amendment.

Senate constitutional amendment ordered referred to Committee on Introduction of Bills.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

On motion of Senator Curtin, Assembly Bill No. 781 was temporarily passed on file, to retain its place.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof relating to tree squirrels.

On motion of Senator Sanford, Assembly Bill No. 98 was temporarily passed on file, to retain its place.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

On motion of Senator Curtin, Assembly Bill No. 269 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Hurd, Assembly Bill No. 473 was temporarily passed on file, to retain its place.

Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Curtin, Finn, Hans, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

On motion of Senator Hurd, Assembly Bill No. 37 was temporarily passed on file, to retain its place.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Martinelli, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An Act to adopt a State song for the State of California.

On motion of Senator Curtin, Assembly Bill No. 843 was temporarily passed on file, to retain its place.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

During second reading of the bill the following amendments were submitted by committee:

In line 5, Section 1, page 1, of the printed bill, after the word "description", add the following: "except gill nets of 1½ inch mesh."

Amendment adopted.

Also:

In line 7, Section 1, page 1, of the printed bill, after the word "seine", add the following: "except gill nets of 1½ inch mesh."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Finn, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 26 referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four

thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred ninety of the Political Code, and to add a new section to said Code to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal sections four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a* and four thousand two hundred eighty-one *a* of said Political Code.

Also: Senate Bill No. 467—An Act to validate municipal bonds.

Also: Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of the lands, relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections until on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also: Senate Bill No. 709—An Act to provide for the cancellation of applications for lien lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Also: Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 937, 467, 708, 709, and 711 ordered to enactment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599*a*, relating to the subject of cruelty to animals.

Also: Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Also: Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Also: Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions and officers and directing the disposition of the same.

Also: Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Also: Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Also: Assembly Bill No. 1109—An Act to amend section eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Also: Assembly Bill No. 81—An Act to provide for the building, equipment and purchasing machinery for an ice and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

Also: Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Also: Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Also: Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 5906, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Also: Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades therefor; for the construction therein or thereon of sidewalks, sewers, man-holes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Also: Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Also: Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

Also: Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Also: Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Also: Assembly Bill No. 293—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Also: Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in dogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the Register's office and their salaries.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Also: Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punish-

ment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

L. B. MAILLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 793, 848, 766, 997, 253, 150, 89, 83, 550, 127, 1109, 81, 1106, 996, 946, 971, 1192, 1191, 941, 1067, 1088, 293, 1097, 1096, 91, 730, 975, 729, 1160, and 1304 read first time.

Assembly Bills Nos. 997, 996, 1160, 1304, 941, 1088, 1097, and 1096 ordered referred to Committee on Judiciary.

Assembly Bill No. 848 ordered referred to Committee on Banking.

Assembly Bill No. 766 ordered referred to Committee on Public Morals.

Assembly Bills Nos. 253, 150, 89, 81, 91, 730, and 729 ordered referred to Committee on Finance.

Assembly Bills Nos. 83 and 550 ordered referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 127 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 1109 and 1106 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 975 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 946 ordered referred to Committee on Education.

Assembly Bills Nos. 971, 1192, and 1191 ordered referred to Committee on Roads and Highways.

Assembly Bills Nos. 1067 and 293 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 793 ordered referred to Committee on Fish and Game.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred Senate Joint Resolution No. 21 by Senator Estudillo—Entitled "Relative to requesting our Senators in Congress to support 'A bill, House Resolution No. 293446,' pending in the Senate of the United States"—have had the same under consideration, and respectfully recommend that Section 2, of Article IV, of the Constitution be suspended, and the author be permitted to introduce said joint resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Hurd:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Estudillo be, and he is hereby, permitted to introduce the Senate joint resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced.

By Senator Estudillo: Senate Joint Resolution No. 21—Relative to requesting our Senators in Congress to support "A bill, House Resolution No. 29346," pending in the Senate of the United States.

Senate joint resolution referred to Committee on Federal Relations.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I regret very much that a passing remark made half humorously this morning should have offended one of the members of this body upon whom there is none who stands higher in my respect and esteem. I realize that Senator Cutton is charged, first with the duties of that most important committee, the Committee on Finance. That when he has been absent from the Committee on Judiciary it has been because of other and equally or more important duties. When he has attended, the members have been glad of his assistance, and have valued highly his judgment and advice. I am sorry I should have been misunderstood. I blame myself for this misunderstanding, and wish to record my true understanding on this matter.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred Senate Concurrent Resolution No. 14 by Senator Thompson entitled "Approving the charter of the city of Poinoma, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911,"—have had the same under consideration, and respectfully recommend that Section 2, of Article IV, of the Constitution, be suspended, and the author be permitted to introduce said concurrent resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Black:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that Senator Thompson be, and he is hereby, permitted to introduce the Senate concurrent resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced :

By Senator Thompson: Senate Concurrent Resolution No. 14—Relative to approving the charter of the city of Pomona.

Senate concurrent resolution referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read :

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Also: Senate Bill No. 981—An Act to amend Section 1517 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Also: Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Have had the same under consideration, and respectfully report the same back and recommend that same do pass.

STROBRIDGE, Chairman.

Senate Bills Nos. 980, 981, and 982 ordered on file for second reading.

PRESENTATION OF BILL.

Senator Cutten offered, and sent to the desk for introduction a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Assembly Bill No. 781 for consideration, out of order.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bill No. 98 for consideration out of order.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626*g* thereof relating to tree squirrels.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 finally passed by the following vote:

AYES—Senators Ayey, Beban, Bills, Birdsell, Boynton, Bryant, Burnett, Cannetti, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Judland, Larkins, Lewis, Sanford, Shanahan, Strobridge, Welch, Wolfe, and Wright—24.

NOES—Senators Bell, Black, Thompson, and Walker—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Senator Hurd arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: At the public meeting of the Committee on Labor, Capital and Immigration held February 16, 1911, at eight o'clock P. M., any acts by me as temporary chairman, were not intended to usurp the power of the chairman of the Committee on Labor, Capital and Immigration, but were at the request of the members of the committee present at the time the meeting was called to order.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

Also: Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

Also: Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the Commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments; executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing for violations of law and orders of the Commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the Commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the Commissioners, providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers

and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the Commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation, providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the Commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1900, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the Commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the Commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,'" approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Also: Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure to be known as 280d, relating to graduates of the Young Men's Christian Association Law College of San Francisco being admitted to practice without examination.

Also: Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Also: Senate Bill No. 958—An Act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of instruments.

Also: Senate Bill No. 953—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270d, 270e, and 273b, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 913, 1100, 960, 1170, 47, 868, 898, 958, and 953 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 769—An Act to amend Sections 1908, 1923, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

Also: Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 769 and 1188 ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Burnett, the second-reading file of Senate bills was taken up.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

On motion of Senator Curtin, Senate Bill No. 735 was temporarily passed on file, to retain its place.

Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven, and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 4, strike out the words after line 10, and insert the following: "Fourth: To any Indian aborigine, or descendant of any Indian aborigine, resident of this State, without charge."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the figures and numerals "\$6,000.00", and insert in lieu thereof the words "four thousand".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out the words "to be paid to"

Amendment adopted.

Also:

Strike out line 4, Section 1, of the printed bill.

Amendment adopted.

Also:

In line 5, Section 1, of the printed bill, strike out the words "Blind, at Berkeley".

Amendment adopted.

Also:

In line 5, Section 1, of the printed bill, strike out the words "by them".

Amendment adopted.

Also:

Strike out Section 2, of the printed bill, and insert in lieu thereof the following: "The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out Section 4, of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the figures and numerals "\$60,000.00", and insert in lieu thereof the words "sixty thousand dollars".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out the words "to be paid to the directors of the California institution".

Amendment adopted.

Also:

In line 4, Section 1, of the printed bill, strike out the words "for the Deaf and the Blind at Berkeley".

Amendment adopted.

Also:

Strike out Section 2, of the printed bill, and insert in lieu thereof the following: "The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. The amount hereby appropriated shall be available July 1, 1911."

Amendment adopted.

Also:

Strike out second Section 3, of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the words "by the Board of Trustees".

Amendment adopted.

Also:

Strike out line 4, Section 1, of the printed bill.

Amendment adopted.

Also:

Strike out line 5, Section 1, of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

During second reading of the bill, the following amendments were submitted by committee:

In line 4, Section 1, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "eight".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, strike out the words "by the Board of".

Amendment adopted.

Also:

Strike out lines 4 and 5 of the printed bill.

Amendment adopted.

Also:

In line 6, Section 1, of the printed bill, strike out the words "the same".

Amendment adopted.

Also:

In line 5, Section 2, of the printed bill, after the word "whereas" add the following: "Of the money hereby appropriated the sum of two thousand dollars shall become available on and after July 1, 1911, and the sum of six thousand dollars shall become available on and after July 1, 1912".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "two", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

In line 3, Section 1, of the printed bill, insert after the word "thousand" the words "five hundred".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Black asked for, and was granted, unanimous consent to take up Senate Bill No. 960 for consideration out of order, for the purpose of amendment.

Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquida-

tion from attachments; executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled 'An Act to amend section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.' " approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other

associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker as a special committee of one, to amend as follows:

By renumbering Section 19 as Section 20 and adding in lieu of Section 19 the following:

SEC. 19. The Building and Loan Commissioner provided for by this Act shall be the successor in interest of, and shall succeed to all the rights, powers and privileges possessed by the Building and Loan Commissioners under and by virtue of that certain Act entitled "An Act approved March 21, 1905, as amended March 23, 1907, and as amended March 20, 1909, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administrator official thereof to be known as the Building and Loan Commissioner, prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments; executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner;" and any and all actions or proceedings taken or commenced by the said Building and Loan Commissioner, under the Act aforesaid, shall continue in full force and effect and the said actions and proceedings shall not abate and the said Building and Loan Commissioner provided for by this Act shall be substituted for and continue in the place and stead of the said Building and Loan Commissioner under the Act aforesaid, and likewise all books, documents, records and property of every kind and description obtained or possessed by the Building and Loan Commissioner or his deputies or clerks, examiners or employees under the provisions of the said Act of March 1, 1909, shall immediately be turned over and delivered to the said Building and Loan Commissioner herein provided for.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 960, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings, have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FINN, Chairman.

Senate Constitutional Amendment No. 38 ordered on file.

PRESENTATION OF BILLS.

Senator Cullen offered, and sent to the desk for introduction, two bills.

Bills ordered referred to Committee on Introduction of Bills.

MOTION.

Senator Thompson moved that the Senate take a recess until seven o'clock P. M., at which time the Senate reconvene to receive the report of the Committee on Federal Relations upon the resolution this day offered by Senator Caminetti; and take such action thereon as shall be deemed meet and proper.

Motion carried.

RECESS.

At four o'clock and fifteen minutes P. M., the President pro tem. declared the Senate at recess until seven o'clock P. M.

RECONVENED.

At seven o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred resolution by Senator Caminetti:

RESOLUTION.

WHEREAS, It is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

WHEREAS, The Senate of the State of California, relying in good faith upon assurances from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a "mutual agreement" between our Government and that of Japan, and that the latter nation was as anxious to retain, as we were to exclude them, patriotically and patiently, observed calmness pending negotiations for a new treaty; and

WHEREAS, This Senate notes with sincere regret the omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens; or, in lieu thereof, of such provisions therein continuing in force the said "mutual agreement" which has in the past been referred to by the Federal authorities as our shield and protector; and

WHEREAS, Our people have been led to believe and to hope that there would be no surrender of our rights in the premises; and

WHEREAS, If further appears that even the protective features of the present treaty with Japan, relating to immigration matters, are omitted in the new draft; therefore, be it

Resolved, That the Senate of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; be it further

Resolved, That we appeal to the Senate of the United States, in the name of the people of the State of California, to withhold and refuse its assent to a compact fraught with so much danger to our citizens, to our industrial development and to our civilization; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to prevent the ratification of said treaty; be it further

Resolved, That the Governor be requested to immediately telegraph a copy of these resolutions to the President, the respective houses of Congress and to our Senators and Representatives in Congress.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

WRIGHT, Chairman.

During the reading of the resolution, the following amendments were submitted by committee:

Insert after the word "the", in first line of third paragraph, page 1, the word "reported".

Amendment adopted.

Also:

Strike out semicolon on line 21, fourth paragraph, page 1, and insert in lieu thereof a colon.

Amendment adopted.

Also:

Strike out the word "and", in line 2, fourth paragraph, page 1.

Amendment adopted.

Also:

Strike out all of paragraph five.

Amendment adopted.

Also:

Strike out after the word "treaty", in line 3, paragraph 2, page 2, the semicolon, and insert in lieu thereof a comma.

Amendment adopted.

Also:

Add after the word "treaty", line 3, paragraph 2, page 2, the following: "Unless by proper amendment the rights of our people are fully therein protected".

Amendment adopted.

RESOLUTION AS AMENDED.

WHEREAS, It is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

WHEREAS, The Senate of the State of California, relying in good faith upon assurances from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a "mutual agreement" between our government and that of Japan, and that the latter nation was as anxious to retain, as we were to exclude them patriotically and patiently, observed calmness pending negotiations for a new treaty; and

WHEREAS, This Senate notes with sincere regret the reported omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens; or, in lieu thereof, of such provisions therein continuing in force the said "mutual agreement," which has in the past been referred to by the Federal authorities as our shield and protector; and

WHEREAS, Our people have been led to believe and to hope that there would be no surrender of our rights in the premises; therefore, be it

Resolved, That the Senate of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; be it further

Resolved, That we appeal to the Senate of the United States, in the name of the people of the State of California, to withhold and refuse its assent to a compact fraught with so much danger to our citizens, to our industrial development and to our civilization; be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to prevent the ratification of said treaty, "unless by proper amendment the rights of our people are fully therein protected"; be it further

Resolved, That the Governor be requested to immediately telegraph a copy of these resolutions to the President, the respective houses of Congress and to our Senators and Representatives in Congress.

Senator Wright moved the adoption of the resolution as amended.
Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 19—Relative to the United States life saving service—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 19 ordered on file.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals—was passed, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 718 was passed, be postponed, and made a special order for Thursday, February 23, 1911, immediately after the reading of the Journal.

Motion carried.

ADJOURNMENT.

At seven o'clock and twenty-five minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, February 23, 1911.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Brady, Bennett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Felt, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Julliard, Larkins, Lewis, Martin, Quinn, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, French, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 22, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Curtin was, on motion of Senator Wright, granted leave of absence for the forenoon of this day.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for the forenoon of this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Tyrrell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. H. Chrisbe, Mayor of Emeryville.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. A. Allen, of Visalia, and H. A. Charters, of Tulare.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. A. Brown, of Los Angeles.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mayor C. W. Davidson, of San Jose.

COMMUNICATIONS.

Senator Wright presented the following telegrams, which were read and ordered printed in the Journal:

WASHINGTON, D. C., February 22, 1911.

Leroy A. Wright, Chairman of the Committee on Federal Relations, Sacramento, California.

In my opinion the proposed treaty fully and completely protects the interests of the people of the Pacific Coast and will continue the policy in reference to immigration now in force; the provision for setting aside the treaty on six months' notice is a further and absolute protection.

FRANK P. FLINT.

Also:

WASHINGTON, D. C., February 23, 1911.

Hon. Lester L. Wright, Chairman Federal Relations Committee, Sacramento, California.

Proposed Japanese treaty contains practically same provisions present one, difference being in our favor that it may be canceled upon six months' notice. Secretary State informs us declaration Japanese Ambassador gives every assurance that there will be no immigration laborers into United States, as they can not leave without Japanese passport, lacking which under our laws they may be deported. Think treaty will meet approval of our people when they understand all its provisions.

GEO. C. PERKINS.

MOTION.

Senator Caminetti moved to refer the telegrams to the Committee on Federal Relations, for the purpose of framing proper answers thereto, and to recommend such action thereon as shall by said committee be deemed meet and proper.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Caminetti to reconsider vote whereby Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals—was passed, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 718 was passed, be postponed temporarily.

Motion carried.

PETITION.

Senator Bills presented the following petition, which was ordered printed in the Journal:

REPRESA, SACRAMENTO CO., CAL., February 18, 1911.

Hon. Albert J. Wallace, President of the Senate, Sacramento, Cal.

DEAR SEN: The State Board of Prison Directors at its session to-day had under consideration Senate Bill No. 25, and are firmly convinced that, in its present form, it would be highly injurious to prison management and would place the board under the arbitrary control of another bureau. The members of the Board of Prison Directors derive their powers from the Constitution of the State, and the board is the only one, with the exception of the Railroad Commissioners, provided for by the Constitution.

We do not desire to enter into any legal controversy as to our rights or duties, and are perfectly willing to perform any duty the Legislature in its discretion may impose upon us. But we submit that some discretion should be allowed to us, and what we believe, from our experience as state officers, to be for the best interests of the prisons should not lightly be laid aside.

We have adopted the inclosed proposed amendments and believe that you will agree with us that, with the adoption of these amendments, all that any person can reasonably expect will be accomplished. The provisions making it a misdemeanor not to give all data that the Bureau of Identification may ask for, without limitation or definition, is particularly objectionable.

We urge upon you the amendment of the bill in the respects pointed out in the resolution and ask you to see that the bill is so amended.

Very truly yours,

STATE BOARD OF PRISON DIRECTORS.
By ROBT. T. DEVLIN, President

J. E. HOSIER, Clerk of Board.

PROPOSED AMENDMENT

WHEREAS, Senate Bill No. 25, creating a State Bureau of Criminal Identification, now pending in the State Legislature, provides that the wardens of the state prisons shall furnish weekly to said bureau certain photographs, descriptions, measurements, and finger prints, and also "such other data from their respective institutions as it, in the judgment of said board of managers of said bureau necessary to carry out the provisions of this Act;" and,

WHEREAS, Said bill contains the further provision that "any prisoner failing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor;" and,

WHEREAS, Said provision, if enacted into law will tend to embarrass the proper management of the state prisons and the proper care and treatment of the prisoners therein; now, therefore, be it

Resolved, That the State Legislature be requested to amend said Senate Bill No. 25 as follows:

1. Strike out from line 5, Section 10, on page 6, of printed bill, the following words: "and such other data".

2. Strike out from lines 6 and 7, of Section 10, on page 6, of printed bill, the following words: "as is, in the judgment of such board of managers of said bureau necessary to carry out the provisions of this Act".

3. Strike out the whole of Section 16, on page 7, of printed bill.

Adopted by the affirmative votes of Directors Declin, Porter, Foster and Church.

Attest:

[SEAL]

J. E. Hosier, Clerk

Senator Larkins presented the following petition, which was ordered printed in the Journal:

BAKERSFIELD, CALIFORNIA, February 6, 1911.

To His Excellency, Hiram Johnson, Governor of the State of California, and to Members of the Senate and the Assembly:

The board of supervisors of Kern County is advised that a bill has been introduced in the Senate by Honorable E. O. Larkins, and the Assembly (by request) by Honorable Fred H. Hall, to provide an additional and third judge for Kern County.

As the governing board of said county, fully conversant with conditions in the public service and advised as to the county's needs, emphatic protest is herewith made to the enactment of the proposed law, and in furtherance of such protest we submit the following:

The two judges of the Superior Court of Kern County are able and conscientious, and always at their posts of duty to care for that department of the public service. But even so, the records of the court show that the cases actually submitted to them for hearing, during the year 1910, consumed less than one third of their time in actual trial.

The bane of progress in court procedure is the ever present tendency of attorneys to postpone the trial of cases. As an illustration: In the month of January just past, in the two departments of the court, there were twenty-three cases set for trial during that month. Fifteen were heard and determined, and eight—about 33 per cent—were postponed by the action of the attorneys. The records for 1910 disclose this same condition as to postponements, and while it is true that many civil cases were filed during that year, it is equally true that a very large percentage of these had to do with lands in the newly discovered oil fields, brought oftentimes for the purpose of effecting compromises, cases which were never brought to a conclusion, and probably never will be. The settling of conflicting claims in the oil fields, and the withdrawal of Government lands from entry will greatly decrease the number of civil cases in future.

But the few attorneys from whom comes the insistent demand for a third judge contend there is a congestion of criminal business which prevents the trial of court cases. The facts are:

During 1910 there were seventy-eight criminal cases filed. Eliminating those cases in which the defendants plead guilty, or in which there were dismissals, exactly twenty-five cases were tried during the twelve months, or at the rate of one a month for each judge. Five of these cases consumed in the aggregate six weeks of time. The remaining twenty were each disposed of in one day or two days. The court records show that only seventy days during the year were consumed in the trial of criminal cases.

In the month of January, 1911, just one criminal case was tried in each department, each case consuming two days.

For February, in one department, there was not a single criminal case set, and but one for the month of March. In the other department, the judge was ill for some weeks, and there are ten criminal cases set for February. An additional judge has been called in, as is wisely provided by law for just such emergencies, and the calendar, we are advised, will be cleared by the end of the month.

Now, as to the civil business, it happens that there are just nineteen cases on the calendar of the two departments set for trial in the month of February, and only two cases set beyond February—one in March, and one in April.

With this statement of facts, the board of supervisors of Kern County emphatically protests that there is no congestion by reason of the criminal business, and that the two established courts have ample time to take up all civil cases as fast as the contending attorneys can agree as to the hearing; and we call attention to the fact, and it is a significant one, that the present judges have not asked for, nor are they asking for, the assistance that some members of the local bar are laboring so assiduously to thrust upon them.

Voicing the sentiment of the taxpayers as it is known to us, the supervisors urge you to use your influence and good offices to defeat a measure that will impose a heavy expense upon this community and additional burdens on property holders, wholly without reason so far as efficiency in the public service is concerned.

H. A. JASTRO, Chairman.
WM. M. HOUTSER
L. F. BRITTE.
J. O. HART.
J. M. BUSH.

Attest: I. L. MILLER, Clerk.

Senator Welch presented the following petition, which was ordered printed in the Journal:

SAN FRANCISCO, February 7, 1911.

Hon. A. J. Wallace, President and Members of the Senate of California, Sacramento, California.

GENTLEMEN: Your attention is directed to the following resolution adopted by unanimous vote at the meeting of this council, held Friday evening, February 3, 1911:

WHEREAS, The State of California maintains a State University at a great expense to its taxpayers; and

WHEREAS, The State of California at this State University has undertaken to educate young men to be lawyers; and

WHEREAS, Traditional law as shown in English common law has protected property to the subordination of human rights and interests, has placed the interests of corporate organizations above the interests of the individual, and by the abuse of the injunction has betrayed the State and its people in the service and interests of corrupt wealth; and

WHEREAS, The lawyer who is trained to support these abuses, and reproduce and apply them is a menace to our community; therefore be it

Resolved, By the San Francisco Labor Council in regular session assembled, this third day of February 1911, that we instruct our representatives in the Legislature to make due and proper inquiry as to the condition of legal education in reference to the interests of the people, at the State University, and to make such provision as may be in their power to have the interests of the people duly protected and advanced in the education of the youth at the law school of the State University.

The above resolution deals with a vital principle of education and training, and we earnestly solicit the cooperation of the upper house of our Legislature, to the end, so far as the State University is concerned, at least it shall stand for progressive education, and be of greater service and credit to the State of California.

Trusting you will call this to the attention of the Senate, I beg to remain,

Respectfully yours,

ANDREW J. GALLAGHER.

Secretary San Francisco Labor Council.

[SEAL.]

Senator Gates presented the following petition, which was ordered printed in the Journal:

MEMORIAL TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF CALIFORNIA.

WHEREAS, The Congress of the United States may not heed the facts and arguments advanced in the foregoing resolution, but may continue to disregard and to violate the rights of the merchant shipping in the foreign trade of California; therefore, be it

Resolved, That as citizens of California, the members of this association respectfully appeal to the Governor and Legislature of the State to intervene in behalf of the shipping trade and to protest and remonstrate to the Federal Government against continuance of its present policy of discouragement and unprotected which is to blame for the loss of our foreign carrying trade and the disappearance of our flag from the ocean, and to insist upon the specific performance of the compact of the Union for navigation laws in perpetuity, for the encouragement of shipping against each and every alleged disability of our citizens to compete with foreigners in carrying our foreign trade; and be it further

Resolved, That if the Federal Government will not return to its original policy and afford the desired and promised protection, then and in such event the State of California demands the alternative, that the right be restored to the State, to enact

and enforce such discriminative regulations as shall afford due protection of its shipping, under Article I, Section 10, Clauses 2 and 3 of the Constitution of the United States, in which provision is made that the consent of Congress shall be necessary for any state to lay any impost or duties on imports, or to lay any duty of tonnage, for any purpose; that is to say: The Federal Government should protect the marine of California in the foreign trade, according to compact, or Congress should consent and permit the State to do so, by duties laid on foreign goods and vessels.

Adopted by the Federation Improvement Association of Los Angeles, California, at its regular meeting in the city of Los Angeles, this the 16th day of February, A. D. 1911.

I, W. H. McGill, secretary, hereby certify that the above and foregoing is a true and perfect copy of the record entry of the above entitled matter as fully as the same appears of record in the minutes of the Federated Improvement Association, of Los Angeles, California.

WM. H. MCGILL,

Secretary Federated Improvement Association.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

Also: Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Article X thereof, relating to state institutions and public buildings.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 28 referred to the Committee on Judiciary.

Assembly Constitutional Amendment No. 36 referred to the Committee on Public Buildings and Grounds.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Also: Senate Bill No. 673—An Act to regulate bakeries or bakeshops: prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 545, 673, and 544 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 15 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Also: Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Also: Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties" and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil Procedure, relative to the entry of judgment by justices of the peace.

Also: Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Also: Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Also: Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy, and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold and of places wherein the raw material used in such manufacture is collected, stored or sold and for the inspection of shoddy manufactured without this State and offered for sale herein and to provide penalties for the violation thereof.

Also: Assembly Bill No. 1294—An Act defining commission merchants, providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same, also providing regulations for the conduct of the said business and for penalties for violations of this Act.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 145, 146, 532, 775, 919, 926, 1031, 1032, and 1294 read first time.

Assembly Bills Nos. 926, 532, 775, and 919 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 1031 and 1032 ordered referred to Committee on Mining and Oil Industries.

Assembly Bill No. 1294 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bills Nos. 145 and 146 ordered referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed amended Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889, and respectfully request your honorable body to concur in the same.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 655?"

On page 2, Section 4, line 16, of the printed bill, after the word "and", strike out the words "other proper person" and insert in lieu thereof the words "board of health".

Also: On page 2, Section 4a, line 13, of the printed bill, after the word "there" insert a new paragraph as follows:

"Successful vaccination means that there has been evidence of a person vaccinated, and that ordinarily the person so vaccinated may be assured of immunity to small pox for at least five years without repetition of the vaccination.

"Notice to the Vaccinator—If repeated vaccinations fail to 'take', read the instructions in Section 9 of the vaccination law.

"It shall be the duty of every physician and person who shall administer any vaccine or person to take proper aseptic precautions, to use only vaccine prepared under United States Government or State of California license, to give to the child or person full instructions for home care during the progress of the vaccination, and when observation of the case is completed and found to be successful to furnish a vaccination certificate in the form prescribed by the terms of this section."

Also: On page 4, Section 5, line 10, of the printed bill, after the word "period" insert a period.

Also: On page 4, Section 5, line 11, of the printed bill, strike out the words "and after such investigation" and insert in lieu thereof "if upon such investigation the State Board of Health shall find that smallpox does exist therein."

Also: On page 4, Section 5, line 24, of the printed bill, after the word "does" strike out period, and insert in lieu thereof the following: "provided that in cities, cities and counties, and districts, where two or more schools are maintained, the State Board of Health shall subdivide such cities, cities and counties or districts, and for such period as it shall determine to be advisable investigating children and persons may be permitted to attend schools in subdivisions in which no smallpox exists.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 655 by the following vote:

AYES—Senators Behan, Bell, Bills, Black, Boynton, Cammerro, Campbell, Cassidy, Cutten, Estudillo, Gates, Hans, Hewitt, Holohan, Hard, Martindale, Reed, Rosberry, Rush, Sanford, Shanahan, Sirobridge, Thomson, Walker, Wells and Wright—26.

NOES—None.

Senate Bill No. 655 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Also: Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators and guardians.

Also: Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

Also: Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 23d day of February, 1911, at ten o'clock and thirty minutes A. M.

CASSIDY, Chairman.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines—have had the same under consideration, and respectfully report the same back and recommend that it do pass with amendments.

ESTUDILLO, Chairman.

Senate Bill No. 772 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be re-referred to the Committee on Finance.

GATES, Chairman.

Senate Bill No. 656 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

GATES, Chairman.

Senate Bill No. 793 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Wright offered, and sent to the desk for introduction, a concurrent resolution.

Senate concurrent resolution ordered referred to Committee on Introduction of Bills.

Senator Burnett offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 769—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

On motion of Senator Behan, Senate Bill No. 769 was passed, to be placed at the foot of the file.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the

Political Code of the State of California, relating to officers of the National Guard.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Beban moved to refer to Senator Cassidy, as a special committee of one, to amend as follows:

On page 1, Section 1, of the printed bill as amended, strike out all of line 3, and insert in lieu thereof the following: "1956. Field officers of a regiment, the coast artillery corps, separate battalion not part of a regiment, or squadron."

Also: On page 1, Section 1, line 12, of the printed bill as amended, strike out the "comma" after the word "list", and insert in lieu thereof the following: "and staff officers."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 894, with instructions to amend, respectfully reports the same back, amended as per instructions.

CASSIDY, Chairman.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

On motion of Senator Beban, Senate Bill No. 895 was passed, to be placed at the foot of the file.

Senate Joint Resolution No. 12—Relative to the exclusion of Asiatic immigration.

The following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 12.

WHEREAS, The President of the United States and his Majesty, the Emperor of Japan, did on March 21, 1895, enter into a treaty of commerce and navigation which was proclaimed the 21st day of March, 1895, and is now the existing convention between the United States and the Japanese Empire; and

WHEREAS, The Japanese Government has, upon representations made by the President of the United States subsequent to the ratification of said treaty, acknowledged the necessity and adopted the policy of restricting the immigration to this country of its subjects of the laboring class, and is now enforcing regulations of its own for that purpose; and

WHEREAS, The people of California are greatly desirous of securing recognition by treaty of the restriction of immigration to our shores of such Japanese subjects in order that the principle thus established may receive the formal sanction of both high contracting parties and the relations of peace and amity now existing between said governments may be strengthened; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby expresses its entire confidence in our Federal Government, and earnestly urges the treaty-making power of the United States to obtain by treaty, in permanent and definite form, an assurance to the people of this country that such immigration will be effectively restricted and controlled.

Committee Substitute to Senate Joint Resolution No. 12 adopted.

PROPOSED AMENDMENT.

The following proposed amendment was offered by Senator Sanford:

PROPOSED AMENDMENT TO COMMITTEE SUBSTITUTE TO SENATE JOINT RESOLUTION No. 12.

Amend by striking out after the first whereas and inserting in lieu thereof the following:

"AND WHEREAS, The provisions of said treaty will soon expire and an entire new adjustment of treaty arrangements will have to be made; and

WHEREAS, The Japanese question is not a local or sectional question but threatens to affect the body politic of the entire nation both economically and ethnologically; and

WHEREAS, The attitude of some recent California officials and others in the East who were once high in authority has given the people of the Eastern states and the United States generally an erroneous impression as to the real sentiment of the people of the Pacific coast relative to the Japanese and other Asiatic questions; and

WHEREAS, The exclusion of Chinese laborers under the exclusion laws of the United States has tended to preserve the economic and social welfare of the people; and

WHEREAS, The interest of California can best be safeguarded by the extension of said exclusion laws by extending their terms and provisions to include Japanese, Koreans, Hindoos, and all other Asiatic people; and

WHEREAS, The influx from the over-populated nations of Asia, of people who are not fit for American citizenship and can not be assimilated with the Caucasian race has resulted and will result in the lowering of the standard of American life and ideals, and the dignity and wage-earning capacity of American labor; and

WHEREAS, We think it right and proper that the people of this country should be advised as to our true position on these great questions; therefore, be it

Resolved by the Senate and Assembly, jointly. That we favor the exclusion from the United States territories of Chinese, Japanese, Koreans, Hindoos, and all other Asiatics except certified merchants, students and travelers; and that all such merchants, students and travelers found performing any labor or engaging in any occupation other than that for which they were certificated be deported by the United States authorities;

Resolved. That we favor the passage of a law forbidding and prohibiting all Asiatics from owning and acquiring real property in any manner in the State of California;

Resolved. That we earnestly urge the treaty-making power of the United States to obtain by treaty with Japan in permanent and definite form provisions in conformity with the foregoing statements;

Resolved. That our Senators be instructed and our Representatives in Congress be requested to use all honorable means to carry out the above recommendations and requests, and to oppose the ratification of the treaty entered into by President Taft and the Japanese Government February 21, 1911;

Resolved. That the Governor of California be and he is hereby directed to transmit a copy of these resolutions to the President of the United States, the President of the United States Senate, the Speaker of the House, and to each of our Senators and Representatives in Congress."

Senator Sanford moved the adoption of the amendment.

Motion duly seconded.

COMMUNICATION.

Senator Wright presented the following telegram, which was ordered printed in the Journal:

WASHINGTON, D. C., February 23, 1911.

Leroy A. Wright, Chairman, Senate Committee on Federal Relations, Sacramento, California:

For the reason that the treaty has not been made public, and has only been considered by the Senate in executive session, I am not in a position to advise you as to the provisions of the treaty, but can assure you that the exclusion of laborers is effectively provided for.

FRANK P. FLINT.

SPECIAL ORDER SET.

Senator Gates moved that the further consideration of Committee Substitute to Senate Joint Resolution No. 12, the proposed amendments offered by Senator Sanford, and the telegrams received from Washington, D. C., be made a special order for Thursday, February 23, 1911, at three o'clock P. M.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating

to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Senate Bill No. 615 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the State prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble Minded Children, and of convicts in the state prisons," approved April 26, 1909.

On motion of Senator Sanford, Senate Bill No. 959 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

On motion of Senate Hare, Senate Constitutional Amendment No. 20 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 158—An Act to repeal Section 626g of the Penal Code, relating to the tree squirrel.

On motion of Senator Sanford, Senate Bill No. 158 was passed, to be placed at the foot of the file.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 432 was passed, to be placed at the foot of the file.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was temporarily passed on file, to retain its place.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Boynton:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to prepare a special file of all Senate bills carrying appropriations which have been reported on favorably by the Finance Committee, said special file to be considered daily from 3:30 P. M. until all bills thereon have been considered.

Resolution read and adopted.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county or city and county in the State of California.

On motion of Senator Estudillo, Senate Bill No. 653 was passed, to be placed at the foot of the file.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Read third time previously.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Estudillo moved a call of the Senate.

Motion carried.

Time, eleven o'clock and fifty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and fifty-eight minutes A. M., Senator Wright was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At twelve o'clock M., Senator Gates was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At twelve o'clock and one minute P. M., Senator Cutten was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and four minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Estudillo.

The roll of absentees was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Burnett, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Larkins, Martinelli, Regan, Walker, Welch, Wolfe, and Wright—22.

NOES—Senators Birdsall, Boynton, Bryant, Caminetti, Hans, Holohan, Juilliard, Lewis, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, and Tyrrell—15.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR TYRRELL IN THE CHAIR.

At twelve o'clock and five minutes P. M., Senator Tyrrell, of the Sixteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1191—An Act to add a new section to the Penal Code to be known as Section 907, relating to the duties of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1191 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California to be known as Section 926a, relating to keeping secret the proceedings of a grand jury, and prescribing punishment for persons violating the provisions of said section.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1192 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge of habeas corpus.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1193 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

On motion of Senator Roseberry, Senate Bill No. 14 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—
A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Chamberette as a special committee of one, to amend as follows:

Strike out all of the proposed constitutional amendment after the words "amendment", in line 10, page 1, of printed amendment, and insert in lieu thereof the following: "consistent with and subject to the constitution, any county, or any such a charter, may frame a new one, relating to the matters hereinafter in this section, specified, and none other, by causing a board of qualified electors to have been for at least five years qualified electors thereof, to be composed of the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of said county, providing that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or a proposed amendment of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, and signed upon the total number of votes cast therein for all candidates for governor at the preceding general election at which a governor was elected, paying for the preparation of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county whether said petition is signed by the requisite number of qualified electors. If presented to said clerk, the board of supervisors shall authorize him to employ persons necessary to assist him in the work of examining said petition, and shall pay to him their compensation. Upon the completion of such examination, said clerk shall immediately attach to said petition his certificate, properly dated, showing the result of such examination, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition, to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county, and provided that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not

less than thirty days nor more than sixty days after the completion of such publication, or after such posting: *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county, *provided* that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public school house in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors by the said county clerk, as heretofore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as heretofore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said county; *provided* that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and on or near the entrance to at least one public school house in each

school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said boards shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event, said boards shall consist of one member for each district, who must be a qualified elector thereof, and

2. For district attorneys, auditors, assessors and superintendents of schools, for the election of said officers, for the times at which and the terms for which said officers shall be elected, and for their compensation, or for the fixing of such compensation by boards of supervisors; *provided*, that, whenever it is provided by the constitution that superintendents of schools shall be appointed, such charters may provide, for the manner in which, the times at which and the terms for which such superintendents of schools shall be appointed; and

3. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, and surveyors, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For justices of the peace and constables and the number thereof for each township, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

5. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws, and

6. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal, either in accordance with the provisions of general laws establishing regulations for the civil service of counties, or in accordance with the provisions of such charters, establishing or providing for the establishment of such regulations, or otherwise; and

7. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows:

For officers other than those required by the constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the construction, care, maintenance, repair, inspection and supervision by counties of roads, highways and bridges, except intercounty bridges, and, subject to such regulations and conditions as may be imposed by the Legislature, for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted to counties; *provided*, that for the care, maintenance and repair only of such roads, highways and bridges, such charters may provide, as an alternative method therefor, for the division of counties, exclusive of incorporated cities and towns, into road districts, and also for the organization, government and jurisdiction, and for the exercise of the powers thereof, for raising revenue therein for such purposes by taxation, upon the assent of a majority of the qualified electors of such districts voting at an election to be held for that purpose, and for granting aid by counties to such districts for said purposes; and *provided further*, that for the construction only of roads, highways and bridges, except intercounty bridges, such charters may provide, as an alternative method therefor, for the

organization and establishment of highway construction divisions in such counties, inclusive or exclusive of incorporated cities and towns, and for the organization, government and jurisdiction of such highway construction divisions, and for the manner of the exercise of the powers thereof. All highways and bridges constructed by highway construction divisions shall be maintained by the counties in which such divisions are situated, or by road districts, as such charters shall provide.

Each road district established and organized as provided by any charter framed under the authority given by this section, shall be entitled to have, and there shall be apportioned thereto annually by the board of supervisors of the county, its proper proportion of moneys from the road funds of the county derived from general or special taxes, and such county shall also contribute such other moneys toward the cost and expense of the care, maintenance and repair of roads, highways and bridges, exclusive of intercounty bridges, by road districts, as shall be determined by boards of supervisors, by ordinance, from time to time.

If any charter, framed under the authority given by this section, shall provide for the construction, care, maintenance, repair, inspection and supervision of roads, highways or bridges, except intercounty bridges, by the county, or for their care, maintenance and repair by road districts, or for their construction by highway construction divisions, as herein provided, it shall also be competent in such charter to provide for the incurring of bonded indebtedness by such county, road districts or highway construction divisions, for such purposes, respectively, and for the issuance and sale of bonds therefor by such county, districts and divisions, and for the expenditure of the proceeds of the sale of such bonds; *provided*, that no such indebtedness shall be incurred without the assent of two thirds of the qualified electors of such county, road district, or highway construction division, as the case may be, voting at an election to be held for that purpose, and the procedure prescribed by general laws for the incurring of bonded indebtedness by counties, shall govern the voting, issuance and sale of such bonds, so far as applicable.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

The Legislature may, by general laws, provide for the surrender and annulment of charters of counties, framed and adopted under the authority given by this section, and for the government of counties, the charters of which shall have been surrendered and annulled, under general laws enacted under the provisions of sections four and five of this article; *provided, however*, that no charter of any county shall ever be surrendered or annulled without the assent of two thirds of the qualified voters thereof voting at a special election to be held for that purpose.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Constitutional Amendment No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

Senate constitutional amendment ordered to reprint and on file.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Read third time.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of Senate Bill No. 875 be made a special order for Monday, February 27, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

TIME OF RECESS EXTENDED.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Boynton, the hour of recess was extended five minutes.

MOTION.

Senator Burnett moved that Senate Bill No. 1232 be withdrawn from the Committee on Finance and ordered on file.

Motion carried.

Senate Bill No. 1232 ordered on file for second reading.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Wright, the following message from the Governor was taken up and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, February 23, 1911.

To the Legislature of the State of California.

Last night I transmitted to the President of the United States and the others to whom the matter was directed, the preamble and resolution adopted yesterday by the Senate relating to the contemplated treaty with Japan. This morning I am in receipt of the following telegram from the President:

"THE WHITE HOUSE, WASHINGTON, D. C., 23-11.

Governor H. Johnson, Sacramento, California.

Have the resolutions transmitted by you. The treaty and the assurances from Japan as to the continuance of the present arrangement are exactly such as you approved when the Secretary of State and I explained them to you here. Will you not explain this to the two houses of your Legislature to prevent action by reason of misunderstanding.

W. H. TAFT."

In explanation of this telegram, I convey to you that in December, while in Washington, in conversation with the President and subsequently with Secretary Knox, I stated that, in my opinion, the people of the State of California desired Japanese exclusion. The President and the Secretary declared the existing arrangement with Japan accomplished this purpose and that such arrangement would be continued in the future. I deemed the mode of accomplishing this was for the Federal Government alone; but that if accomplished, our people would be satisfied.

In response to the telegram of the President, which I have quoted, I have this day wired him as follows:

"February 23, 1911.

The President, Washington, D. C.

Have your telegram of this date. In Washington it was explained by you and Secretary Knox to me that the arrangement existing between our government and Japan gave to us exclusion, and it was this desideratum I stated was desired by our people. Am I at liberty to make the statement to the press and the Legislature that

the assurances and understanding with Japan are the same as heretofore existed and under which we have been assured exclusion has resulted. I have refrained thus far from making any public statement and will not do so except with your permission. There seems to be a belief here that the contemplated treaty will alter the arrangements and assurances that have heretofore existed. If this belief is unfounded, I should be very glad to do what is possible to correct the impression, and would greatly appreciate any statement you may wire me for transmission to our Legislature.

HIRAM W. JOHNSON, Governor of California."

I have also received this morning the following telegram from Senator Perkins:

"WASHINGTON, D. C., February 23, 1911.

His Excellency H. W. Johnson, Governor, Sacramento, California.

I am in receipt of the resolutions passed by the Senate of the State of California protesting against the ratification of the proposed treaty with Japan and will submit them to the Senate to-day for consideration in connection with the treaty. The present treaty is for twelve years while the provisions of the proposed treaty is for six months, cancellation provisions in treaty in our favor. Secretary State informs us Japanese Government gives every assurance that there will be no immigration Japanese labor into United States. Think treaty will meet approval our people when its provisions are understood.

GEO. C. PERKINS."

And the following telegram from Senator Flint:

"WASHINGTON, D. C., February 23, 1911.

Hon. Hiram Johnson, Governor of California, Sacramento, California.

I understand from the statements made by you to me when you were here that the continuance of the present arrangements for excluding Japanese laborers would, in your opinion, be satisfactory to the people of California. The treaty with the diplomatic notes assures the continuance of the agreement between the two nations to exclude laborers and in my opinion it is desirable that the treaty should be promptly ratified.

FRANK P. FLINT."

In reply to Senator Flint, I have wired the following:

"February 23, 1911.

Hon. Frank P. Flint, Senate Chamber, Washington, D. C.

When in Washington I was assured that the existing arrangement with Japan assured exclusion and this I stated was in my opinion the desideratum wished by the people of the State of California. I understand from your telegram that under the new treaty the same understanding exists between our Government and Japan, which results in exclusion. Is this correct?

HIRAM W. JOHNSON, Governor of California.

I am just in receipt of the following telegram from the President:

"THE WHITE HOUSE, WASHINGTON, D. C., 23-11.

Hon. Hiram W. Johnson, Sacramento, Cal.

Telegram received. If treaty is ratified as proposed by me, arrangements and assurances that have heretofore existed in respect to Japanese immigration will more certainly secure existing status than the old treaty and you are at liberty to say so on my authority.

WM. TAFT."

I transmit this telegraphic correspondence of to-day to you, so that you may be fully advised. The correspondence speaks for itself and the assurances of the President seem to me definite and conclusive.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

MOTION.

Senator Boynton moved that Committee Substitute for Senate Joint Resolution No. 12, with pending amendments and the Governor's message, be referred to the Committee on Federal Relations.

Motion carried.

Committee Substitute for Senate Joint Resolution No. 12 with pending amendments and Governor's message, ordered referred to the Committee on Federal Relations.

COMMUNICATIONS.

Senator Wright presented the following telegram, which was ordered printed in the Journal:

THE WHITE HOUSE, WASHINGTON, D. C., February 23, 1911.

Leroy A. Wright, Chairman Federal Relations Committee, Sacramento, California.

Replying to your message of the twenty-second relative to the new Japanese treaty. This Government has assurance of Japanese Government that present arrangement with reference to labor immigration to the United States will be effectively maintained and this fully meets the condition suggested in your telegram.

WM. H. TAFT.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

On motion of Senator Curtin, Assembly Bill No. 269 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Estudillo, Assembly Bill No. 473 was passed, to be placed at the foot of the file.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 141 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Barnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 355 was temporarily passed on file, to retain its place.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

On motion of Senator Estudillo, Assembly Bill No. 37 was temporarily passed on file, to retain its place.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

On motion of Senator Martinelli, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 843—An Act to adopt a State song for the State of California.

Read third time.

MOTION.

Senator Strobbridge moved that Assembly Bill No. 843 be recalled from the file, and re-referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 843 ordered withdrawn from the file, and re-referred to the Committee on Judiciary.

ASSEMBLY CONCURRENT RESOLUTION No. 10.

Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

WHEREAS, The city of Monterey, a municipal corporation of the county of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 25th day of July, 1910, and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said the city of Monterey; and

WHEREAS, Said charter was on the 13th day of October, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of the city of Monterey, and the other copy with the county recorder of the said county of Monterey and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Monterey Daily Cypress," a daily newspaper of general circulation in said the city of Monterey, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the board of trustees of the city of Monterey to the qualified electors of said city at a special election, previously duly called and therein held on the 12th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said the city of Monterey, voting at said special election, voted in favor of the ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing the returns of said last mentioned special election, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MONTEREY BY THE BOARD OF FREEHOLDERS, ELECTED ON THE 25TH DAY OF JULY, A. D. 1910

CHARTER OF "THE CITY OF MONTEREY"

ARTICLE I.

NAME AND RIGHT OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation now existing and known as The City of Monterey shall remain and continue a body politic and corporate in name and in fact, by the name of The City of Monterey, and by such name shall have perpetual succession.

Rights and Liabilities.

SEC. 2. The city of Monterey shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action, claims, causes and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II

Boundaries.

SEC. 3. The boundaries of the city of Monterey shall be as follows:

Beginning at a point near Point Anolones on the S. W. shore line of Monterey Bay where the same is intersected by the S. E. boundary line of the Point Pinos Rancho; thence following said S. E. line of said rancho S. $58^{\circ} 45'$ W. 5280 feet; thence leaving said rancho line and running S. $24^{\circ} 10'$ E. 12,568 feet; thence N. $73^{\circ} 15'$ E. 7445 feet; thence N. $11^{\circ} 27'$ W. 2916.5 feet to the S. W. corner of the Del Monte Hotel grounds; thence following the western boundary line of said grounds N. $11^{\circ} 27'$ W. 2363.5 feet to the northerly side of the county road; thence along the north side of said road N. $88^{\circ} 03'$ W. 1458.85 feet; thence N. $89^{\circ} 15'$ W. 1094 feet; thence N. $0^{\circ} 45'$ E. 475 feet to the shore line of Monterey Bay; thence north into said Monterey Bay 1 marine league; thence in a western direction to the intersection of a line drawn north from the place of beginning (the said Point Anolones); thence south to said place of beginning.

ARTICLE III

ELECTIONS.

General and Special Municipal Elections.

SEC. 4. A municipal election shall be held in the city on the second Monday in April, A. D. 1911 and on the second Monday in April every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 5. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

SEC. 6. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of Nomination Petition.

SEC. 7. The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows:

Individual Certificate.

STATE, N.	PETITION OF NOMINATION.
STATE OF CALIFORNIA,	}
COUNTY OF MONTEREY,	
CITY OF MONTEREY,	

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. _____ of the city of Monterey, and I hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, Monterey, for the office of _____ to be voted for at the municipal election to be held in the city of Monterey on the _____ day of _____; and I

further declare that I am not at this time a signer of any other petition for the above named office, or in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me, this _____ day of _____

Notary or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Monterey, California.

Forms to be Supplied by City Clerk.

SEC. 9. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

SEC. 10. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of the signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification Deputies.

SEC. 11. Verification deputies, under this article, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed by the city clerk.

Date of Presenting Petition.

SEC. 12. A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of Petitions by City Clerk.

SEC. 13. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

Withdrawal of Signature.

SEC. 14. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate.

SEC. 15. Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

Filing of Petitions.

SEC. 16. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election. When a petition of nomination shall have been filed by the clerk, it shall not be withdrawn, nor added to, and no signature shall be revoked thereafter.

Preservation of Petitions.

SEC. 17. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article.

Election Proclamation.

SEC. 18. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Monterey, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in the city of Monterey. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

SEC. 19. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this chapter. The ballots shall contain the list of names and the respective offices, as required in the proclamation, and shall be in substantially the following form:

SEC. 20.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, THE CITY OF MONTEREY.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of Ballot.

SEC. 21. All ballots printed shall be precisely on the same size, quality, kind of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side, for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every Nominee to be on Ballot.

SEC. 22. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

SEC. 23. The offices to be filled shall be arranged in separate columns, in the following order:

"For mayor (if any) vote for one."

"For councilman (if any) vote for (giving number)."

Space for Voting Cross.

SEC. 24. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Space for Additional Candidates.

SEC. 25. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

SEC. 26. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election.

and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

SEC. 27. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

Failure of Persons Elected to Qualify.

SEC. 28. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

Informalities in Election.

SEC. 29. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC. 30. The provisions of the state law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after a municipal election.

ARTICLE IV.

INITIATIVE, REFERENDUM AND RECALL.

Initiative. Procedure Relating Thereto.

SEC. 31. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered voters of the city equal in number to the percentages hereinafter required.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving street and number.

(3) One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(4) Within ten days from the date of filing such petition the city clerk shall examine, and from the great register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

(5) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 32 of this charter), but if the ordinance shall fail of passage by the council, then, within five days after the determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election, at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

(6) If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(7) The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the general nature of the proposed ordinance). If

a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

(8) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election within a period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon, at any succeeding general municipal election; and should such propositions, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election; but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

The Referendum.

SEC. 32. No ordinance passed by the city council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by two thirds vote of the council but no grant of any franchises, shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city, equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in Section 31 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinances shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 31, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is herein provided.

The Recall.

SEC. 33. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

(1) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(3) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

(4) If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

(5) The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

(6) If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

(7) If the petition shall be found to be sufficient the city council shall order, and

fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

(8) The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

(9) The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

(10) Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot, without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected.

(11) At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(12) In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant.

(13) If the incumbent receives the highest number of votes he shall continue in office.

SEC. 34. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

ARTICLE V.

ELECTIVE OFFICERS.

SEC. 35. The elective officers of the city of Monterey shall be a mayor and four councilmen.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor shall have the right to vote on all questions coming before the council.

Elected at Large.

SEC. 36. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of Mayor and Councilmen.

SEC. 37. To be eligible for the office of mayor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Monterey for at least three years next preceding his election.

Vacancy in Council.

SEC. 38. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 37 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term.

Mayor's Term of Office.

SEC. 39. The mayor shall hold office for a term of two years from and after the first Monday in May after his election, and until his successor is elected and qualified; *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1913.

Councilmen's Term of Office.

SEC. 40. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election; *and provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the term of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first held under this charter, there shall be elected two councilmen and a mayor.

Official Bonds.

SEC. 41. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to official bonds, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 42. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Compensation of Mayor and Councilmen.

SEC. 43. The mayor shall receive a compensation of two hundred and fifty (250.00) dollars per annum and the councilmen shall receive a compensation of two hundred (200.00) dollars per annum each, unless the electors by ordinance proposed and adopted shall otherwise provide.

Administering Oaths, Subpoenas.

SEC. 44. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

THE MAYOR.

The Chief Executive.

SEC. 45. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 46. During the temporary absence or disability of the mayor the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 47. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 48. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive, or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Supervision of Public Utility Companies.

SEC. 49. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor may on his own motion, and must upon a resolution passed by the council directing him to do so, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises

that may have been granted by the city which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the grantees, and the performance of the same, and shall report the results thereof in his next annual message or report, and he may report thereon at such other and different times as he may deem proper.

Powers and Duties Prescribed by Ordinance.

SEC. 50. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law, or by ordinance, or by resolution of the council.

THE COUNCIL.

The Council, the Governing Body.

SEC. 51. All powers herein granted to and vested in the city of Monterey shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Monterey. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and Vice-President.

SEC. 52. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 53. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be Public.

SEC. 54. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 55. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules of Proceeding.

SEC. 56. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and Resolutions.

SEC. 57. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Title.

(4) Every ordinance shall be preceded by a brief title, which shall indicate the subject and purport thereof.

Enacting Clause of Ordinances.

(5) The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Monterey do ordain as follows", and the ordaining clause of all ordinances adopted in accordance with the provisions of Section 31 of Article IV shall be, "The People of the City of Monterey do ordain as follows".

Requirements of Ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time when at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Monterey at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Ordinance Required in Certain Cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars, for the appropriation, acquisition, sale or lease of public property, for the levying of any tax or assessments; for the granting of any franchise, for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances". Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 58. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 59. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 33 of Article IV, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Four Municipal Departments.

SEC. 60. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to Assign Duties to the Departments.

SEC. 61. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Four Commissioners.

SEC. 62. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

The Chief Officials.

SEC. 63. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, police judge, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate Officers and Employees.

SEC. 64. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of Officers and Employees.

SEC. 65. The compensation of all city officers, except library trustees, who shall receive no remuneration, shall be by salary fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city except as in this charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments.

SEC. 66. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

Reports to be Published.

SEC. 67. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

Councilman to Hold no Other Office.

SEC. 68. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers not to be Interested in Contracts or Franchises.

SEC. 69. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any Act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

Political and Religious Tests.

SEC. 70. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

SEC. 71. Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Monterey shall have the right and power:

Public Buildings, Works and Institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, life-saving stations, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions, breakwaters and piers.

Water, Light, Heat and Power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

Telephone, Telegraph and Transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Sale of Products of Public Utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for Public Purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of Public Utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Bequests and Donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing Money, Bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special Tax.

(9) To raise money by special tax, in addition to the tax levies provided for in Sections 81, 82, 83 and 117 of this charter; to authorize such special tax, the provisions of Section 31 of Article IV relating to the initiative, or of Section 32 of Article IV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint Ownership of Water Supply.

(10) To join with one or more cities incorporated under the Constitution and laws of the State in order to acquire and develop jointly a source or sources of

water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

Sue and Defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct Legislation by People.

SEC. 72. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of this State, to enact appropriate legislation to carry out and extend any of the state general powers of the city or any of the specified powers of the council.

Powers of the Council Enumerated.

SEC. 73. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official Seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance of the city; but no penalty shall exceed three hundred dollars or ninety days' imprisonment, or both.

Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Police and Fire Departments.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and Fire Alarm Systems.

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

Explosives.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable Materials.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

Engines and Boilers.

(8) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precaution Against Fires.

(12) To prevent the construction and to cause the removal of chimneys, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building or place in the city; to regulate the carrying on of manufacturing factories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places; and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, etc.

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

Provision for Safety in Streets.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the central time schedule permits; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(15) To regulate or prohibit the exhibition or carrying of banners, processions or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or other signs across the streets or from houses; to regulate or prohibit trade and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and Rubbish on Sidewalks.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk immediately in front thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(18) To regulate and prevent the running at large of dogs; to prohibit the exhibition of dog fights or any wilful pitting of dogs to fight; to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public Pound. Cruelty to Animals.

(19) To prevent or regulate the running at large of any animals and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large; to prohibit and punish cruelty to animals, and to regulate the places where they are kept to be maintained in a clean and healthful condition.

Indigent Sick.

(20) To provide for the care of the indigent sick and helpless in said city.

Preservation of Health.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious, or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and Offensive Occupations; Disagreeable Noises.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit

the same to be entered in any building or upon any premises owned or controlled by them, or under any contract for the suppression of contagious, offensive and injurious diseases or others.

Inspection of Food Products.

(32) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, milk, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and maintaining of samples of any such products as are consumed, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such consumed, spoiled, adulterated or unwholesome products.

Dairies.

(33) To provide for and regulate the inspection of all dairies within or without the city that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(34) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

House Connections.

(35) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, man-holes and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(36) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing Businesses.

(37) To license for purposes of regulation or revenue, or both regulation and revenue, all kinds of business not prohibited by law to be transacted or carried on in the city, to fix rates of licenses upon the same, and to provide for the collection thereof by and or otherwise.

Regulation of Public Vehicles.

(38) To establish stands for hacks, public carriages, express wagons, and other public conveyances for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

Inspection of Meters, Weights and Measures.

(39) To provide for the inspection of all water meters, gas meters, and electric meters, and of weights and measures used in the city, and to enforce such regulations as may be necessary to insure their accuracy.

Public Shows—Gambling.

(40) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements, to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public Order and Decency.

(41) To restrain and punish vagrants, mendicants, lewd persons and prostitutes, to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(42) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

(43) To order the repaying by the treasurer of any taxes, percentages or costs, erroneously or illegally collected.

Fees.

(44) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's Emergency Fund.

(45) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of Lands Owned by the City.

(37) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; provided, that the council may in its discretion reject any and all bids.

Purchase of Property Under Execution.

(38) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

(39) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(40) To provide for the execution of all trusts confided to the city.

Street Grades.

(41) To establish or change the grade of any street or public place.

Street Work.

(42) To order the whole or any part of any street, avenue, lane, alley, court or place within the city of Monterey to be graded, or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewered or resewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property. Whenever, in the judgment of the council, or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto.

Street Opening.

(43) To order the opening, extending, widening, straightening, or closing of any street, lane, alley, court or public place within the city or over tide lands and land covered by the waters of Monterey Bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever, in the judgment of the council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

Light and Water.

(44) To provide for the lighting of the streets, highways, public places and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(45) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise, for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Sections 31 and 32, Article IV.

Closed or Abandoned Streets.

(46) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the party or parties who may be entitled thereto.

Water Front and Wharves.

(47) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls, and provide for the collection thereof; to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats, and all other water craft within the jurisdiction of the city.

Regulation of Public Utility Rates.

(48) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

(49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

(50) To require every owner or lessee of railroads in said city to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the owner or lessee.

Spur Tracks.

(51) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(52) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and Location of Pipes.

(53) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(54) To make all rules and regulations governing elections not inconsistent with this charter or the Constitution of California.

Civil Service Commission.

(55) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council, or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic Art Commission.

(56) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park Commission.

(57) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground Commission.

(58) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of Public Charities.

(59) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal Ownership.

(60) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Museum Commission.

(61) To establish a museum commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Additional Powers.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

This grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

Publication of Charter and Ordinances.

SEC. 74. The council, during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and together with, or separately from, the charter of the city and such provisions of the Constitution and laws of the State as the council may deem expedient, to be published in book form.

ARTICLE VII.

FINANCE AND TAXATION.

The Fiscal Year.

SEC. 75. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax System.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Monterey is situated and taxes collected by the tax collector of said county for and on behalf of the city of Monterey.

Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department Estimates of Annual Requirements.

SEC. 77. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions, shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 78. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue, shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund for the outstanding funded indebtedness of the city, and the wants of all the departments, of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 79. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government, for the next ensuing fiscal year. The budget shall be prepared to such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 80. The council shall meet at their usual place of holding meeting on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor shall have been rectified and

assessments equalized. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment, provided that notice shall be given to the party whose assessments is to be raised.

Annual Tax Levy.

SEC. 81. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of Tax Levy.

SEC. 82. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed valuation of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond, Library and Promotion Tax.

SEC. 83. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; to levy not less than ten cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms and to levy not more than five cents on each one hundred dollars of the assessed value of all real and personal property within the city for music, entertainment and promotion.

Tax Liens.

SEC. 84. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

SEC. 85. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source including the free public library, when allowed by the council or proper board, shall be signed by the president and clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed" and the date of such allowance, and sign his name thereto.

No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person, indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finance, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Disposition of Money Collected.

SEC. 86. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC. 87. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an Act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE VIII.

PUBLIC WORK AND SUPPLIES.

Form of Contracts.

SEC. 88. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Monterey by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC. 89. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 90. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 91. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

Contracts for Lighting.

SEC. 92. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for Water.

SEC. 93. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the minimum rates exceed those charged to other consumers.

Hours of Labor.

SEC. 94. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 95. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 96. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE IX.

FRANCHISES.

Property Rights of the City Inalienable.

SEC. 97. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 98. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or the laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchise to the Streets.

SEC. 99. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or any other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Application for Franchise.

SEC. 100. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement, that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for six successive days and must be completed not less than twenty and no more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay the city during the life of the franchise the highest percentage of the gross receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two per cent of such gross annual receipts, but no percentage shall be required to be paid for the first five years succeeding the date of the franchise.

Bidding for the Franchise.

SEC. 101. (1) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other

responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

(2) Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be returned until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free Competition in Bidding.

(3) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(4) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform such and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation, to whom it shall have been struck off, sold or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be readvertised for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchise.

SEC. 102. The maximum length of time for which a franchise or privilege to use the streets, highways, waters or other public places of the city may be granted to any person, firm or corporation shall be fifty years.

Beginning and Completion of Work.

SEC. 103. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council, may, by resolution extend the time for completion thereof not exceeding three months.

Service and Accommodation.

SEC. 104. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

Rates and Charges.

SEC. 105. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant

of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all official policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of City to Assume Ownership.

SEC. 106. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

No Conveyance Necessary for the City's Ownership.

SEC. 107. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise.

SEC. 108. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Paving.

SEC. 109. Every grant of any franchise or privilege, in, over, under or along any of the streets, highways, or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books. Audit.

SEC. 110. The city of Monterey, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual Reports of Company.

SEC. 111. Every person, firm or corporation operating any business under franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all gross receipts arising from all the business done by said person, firm or corporation within the city of Monterey for the year immediately preceding such report. Such reports shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs, and betterment during such year.

Payment of Gross Receipts.

SEC. 112. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage at the time of filing such annual report shall work a forfeiture of the franchise. The provisions

as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for Non-compliance.

SEC. 113. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Reservation for Belt Lines.

SEC. 114. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of Monterey, beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front, and any franchise or permit for a railroad track in, over or upon the bed of the bay of Monterey shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Franchise Not in Use Forfeited.

SEC. 115. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE X.

LIBRARY COMMISSION.

Five Commissioners Appointed by Mayor.

SEC. 116. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, who shall be appointed by the mayor, subject to the confirmation of a majority of the council. They shall be chosen from the citizens at large without regard to sex or political opinions but with reference to their fitness for said office and no member of the city council shall be a member of said board. The members of this commission shall serve for two years and without compensation and during their term of office must have a continuous residence in said city.

Tax for Maintaining Library.

SEC. 117. The city council may, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than ten cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

Providing for Donations and Bequests.

SEC. 118. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequests.

Property for Support of Library. Suits.

SEC. 119. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

Meetings. Secretary.

SEC. 120. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

Powers of Board.

SEC. 121. The board shall have power:

(1) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

(2) To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

(3) To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

(4) To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

(5) To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

Compensation of Library Employees. Funds.

SEC. 122. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

Protection of Library. Impose Penalties.

SEC. 123. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same, or unlawfully obtaining or detaining books or other property from such library.

ARTICLE XI.

POLICE COURT.

Creation Court.

SEC. 124. There is hereby created in and for the city of Monterey a court which shall be known as the police court of Monterey.

Judge Thereof.

SEC. 125. Said court shall consist of one judge who shall be appointed by the council, and shall serve during its pleasure and shall receive such compensation as the city council shall determine.

Exclusive Jurisdiction.

SEC. 126. Said court shall have exclusive jurisdiction:

First—In all prosecutions for the violation of city ordinances.

Second—In all actions for the recovery of any fine, penalty, or forfeiture and the enforcement of any obligation or liability prescribed or created by the city ordinances and which sum sued for does not exceed three hundred dollars.

Concurrent Jurisdiction.

SEC. 127. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justice courts on all matters and things in which justice courts now or may hereafter have jurisdiction. And the judge of said police court shall have as aforesaid like authority, power, and jurisdiction as the justices of said justice courts.

Appeals.

SEC. 128. Appeals may be taken to the Superior Court of the State of California in and for the county of Monterey from the judgment and order of said police court in all cases in which appeals are now or may hereafter be provided by law to be taken to said Superior Court from said justice court and police court.

Pleading and Practice.

SEC. 129. In all pleading in and appeals from said police court, the pleading, practice and procedure and laws now applicable or that may hereafter be made applicable to said justice or police court are hereby adopted and made applicable to said police court.

Fines. Reports.

SEC. 130. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Monterey shall immediately be paid into the city treasury. He shall make monthly reports to the mayor, together with proper vouchers and receipts for all moneys received and paid into the treasury.

Undetermined Proceedings in Recorder's Court.

SEC. 131. All actions and proceedings pending and undetermined in the recorder's court of Monterey shall be proceeded with, heard, tried and determined in said police court hereby provided for before said judge the same as if said action or proceeding had been originally commenced in said police court.

Records of Court.

SEC. 132. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

Courtroom. Business.

SEC. 133. The city shall furnish for said court a suitable courtroom and office and the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Additional Powers.

SEC. 134. The judge of the police court shall have power to administer oaths, take and certify affidavits in the same manner and with like effect as justices of the peace.

Seal.

SEC. 135. He shall have and use a seal on which shall be engraved the arms of the State and the words "Police Court, City of Monterey."

Chief of Police—Powers and Duties.

SEC. 136. The chief of police of the city of Monterey shall execute and return all processes issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city, or for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authority, or in the lawful exercise of their function. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this State, and shall in all respects be entitled to the same protection and his lawful orders shall be executed by deputies, policemen and watchmen of the city of Monterey and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute, before the police judge, all breaches or violations or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. The chief of police shall have charge of the city prison and prisoners and of any chain gang that may be established by the council. He shall devote his entire time to the duties of his office and subject to such rules and regulations as the council may prescribe. He shall remove any member of the police force for disobedience of any law or order, for violation of any of the rules or regulations of the police department, and for neglect of duty or conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges specifying the grounds upon which such suspension or removal is made.

In addition to the duties in this charter specified the chief of police shall discharge all the duties required of him by ordinance of the city, or resolution of the council, or by law, or any provisions of this charter.

ARTICLE XII.

MISCELLANEOUS.

When This Charter Takes Effect.

SEC. 137. For the purpose of nominating the candidates and electing the mayor and councilmen in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the 1st day of July, 1911.

First Election Under This Charter.

SEC. 138. The board of trustees of the city of Monterey, in office at the time of the approval of this charter by the Legislature, shall provide for the holding of the first election under this charter, shall canvass the votes and declare the result.

Terms of Councilmen in Office.

SEC. 139. The members of the board of trustees and all other elective officers of the city of Monterey, in office at the time of the approval of this charter by the Legislature, shall continue to hold office and discharge their duties until the election and qualification of the mayor and councilmen, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances to Continue in Force.

SEC. 140. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of Legal Proceedings.

SEC. 141. The city attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violations of the provisions of this charter, and the ordinances of the city and shall attend to all suits and proceedings in which

the city may be legally interested: *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of Charter and Ordinances.

SEC. 142. The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for a violation of a provision of this charter, or of any ordinance, may be imprisoned in the city jail or of the county jail in which the city of Monterey is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Monterey.

Meaning of Words.

SEC. 143. The word "city" wherever it occurs in this charter, means the city of Monterey, and every commissioner, commission, department, board, officer or employee, wherever mentioned in this charter, means the commissioner, commission, department, board, officer or employee, as the case may be, of the city of Monterey. The word "council" when used in this charter means the council of the city of Monterey.

Certificates of Election Issued by Clerk.

SEC. 144. After the result of an election is declared, or when an appointment is made, the city clerk, under his hand and official seal, shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Monterey, addressed to the person or persons so elected or appointed.

Provisions for Election.

SEC. 145. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Monterey then in office must provide for the holding of such election as soon as possible thereafter.

Amendments.

SEC. 146. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the Legislature as provided in the Constitution of the State of California. Whenever twenty per cent of the qualified electors of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified electors thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the electors and may be voted on separately without prejudice to the others.

Form of Petition.

SEC. 147. The petition provided for in Section 146 must be made, presented and certified to in the manner and form required for petitions in Section 31, Article IV of this charter.

Proceedings Relative to Amendments.

SEC. 148. The council must make all necessary provisions for submitting proposed amendments to the electors and shall canvass the votes in the same manner as in other elections.

Ballots.

SEC. 149. The ballots used at such elections shall contain the words "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

WHEREAS, The city of Monterey, a city containing a population of more than three thousand five hundred, and less than ten thousand, inhabitants, on the 25th day of July, A. D. 1910, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect W. E. Parker, F. A. Botsch, George D. Clark, C. P. Carmody, C. E. French, Frank Hellam, Paul Hess, F. M. Hilby, E. E. James, F. A. Lang, J. K. Oliver, Shelley Pickles, H. J. Schauffele, B. F. Wright and C. R. Few a board of fifteen freeholders to prepare and propose a charter for said city.

WHEREFORE, Be it known, that pursuant to said provisions of the Constitution of the State of California and within a period of ninety days after said special election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Monterey.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 13th day of October, A. D. 1910.

W. E. PARKER, President
C. R. FEW, Secretary
F. A. BOTSCH
GEO. D. CLARK
C. P. CARMODY
C. F. FRENCH
FRANK HELLAM
F. M. HILBY
E. E. JAMES
F. A. LANG
J. K. OLIVER
SHELLEY PICKLES
H. J. SCHAUFFEL
B. E. WRIGHT

Attest: C. R. FEW, Secretary.

Received this 13th day of October, 1910.

[SEAL]

WILL JACKS
President of the Board of Trustees
of the City of Monterey.

Filed this 13th day of October, 1910

GEO. S. GOULD, JR., City Clerk

STATE OF CALIFORNIA,
COUNTY OF MONTEREY, }
CITY OF MONTEREY, } ss.

I, GEO. S. GOULD, JR., city clerk in and for the city of Monterey, hereby certify that the board of trustees of said city, did, by resolution No. 1071, order the foregoing charter published in the manner and form required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the city of Monterey, this 14th day of October, 1910.

[SEAL]

GEO. S. GOULD, JR., City Clerk

MEMORANDUM.

The first official publication of the foregoing proposed charter was made in the Monterey Daily Cypress, a daily newspaper of general circulation, on Saturday, October 22, 1910, pursuant to resolution No. 1071, adopted by the board of trustees of the city of Monterey on the 13th day of October, 1910, and by direction of the president of said board of trustees and the city clerk of said city.

STATE OF CALIFORNIA,
COUNTY OF MONTEREY, }
CITY OF MONTEREY, } ss.

I, WILL JACKS, president of the board of trustees of the city of Monterey, State of California, and Geo. S. Gould, Jr., clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 25th day of July, 1910, at a special municipal election held in said the city of Monterey on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the Constitution of the State of California; that said proposed charter was then published in the "Monterey Daily Cypress," which then was a daily newspaper of general circulation in said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, as required in said section eight of said article eleven, to wit, on the 12th day of December, 1910, said charter was submitted at a special election duly called and held thereon for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said special election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said the city of Monterey on the 19th day of December, 1910, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California, pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said the city of Monterey to be affixed this 30th day of December, 1910

[SEAL]

WILL JACKS,
President of the Board of Trustees of the City of Monterey.
GEO. S. GOULD, JR.,
Clerk of said Board of Trustees and said the City of Monterey.

AND WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), that said charter of the city of Monterey, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the city of Monterey.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—29.

NOES—None.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 388—An Act to amend section three hundred forty-nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Bill read second time, and ordered on file for third reading.

SENATOR STETSON IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 13, the same was taken up for consideration.

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Read second time on previous day.

The following amendment was offered by Senator Avey:

Strike out of Section 32, line 11, of the printed bill, after the word "shall", the remainder of the section, and insert in lieu thereof the following: "include road districts and school districts, but none other."

Amendment adopted.

SUSPENSION OF RULE.

Senator Hurd moved that the rule limiting the time of debate to five minutes be suspended during the consideration of the amendments to Senate Bill No. 13.

Motion carried.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The following amendments were offered by Senator Thompson:

Strike out of Section 32, all of said section after the period following the word "loss" on line 10 of said section.

MOTION.

Senator Caminetti moved that the consideration of the amendment be referred to the Committee on Judiciary.

Motion lost.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the adoption of the amendment proposed by Senator Thompson.

Amendment refused adoption.

Also:

Strike out of Section 29, page 36, all of lines 48, and 49.

Amendment refused adoption.

Also:

Strike out of Section 2, page 3, all of lines 38, 39, and 40.

Amendment refused adoption.

The following amendments were offered by Senator Caminetti:

Strike out of Section 1, page 9, lines 52 to 65, inclusive, of printed bill, the words: "*Provided, however,* that when any piece or parcel of property in this State owned by any of the companies mentioned in section two of this Act is used partially by such company for any use reasonably necessary to the operation of any of the lines of business enumerated in section two of this Act, and such property is also partially rented to or used by others, or is partially used by the company for some other lines of business not among those so enumerated, or for purposes not reasonably necessary to the operation of any of said enumerated lines of business, it shall be considered operative property in that proportion only which that part of the property mentioned in this proviso used by the company in the operation of any of said enumerated lines of business bears to the whole of the property mentioned in this proviso."

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Hare, Hewitt, Larkins, and Stetson—7.
NOES—Senators Avey, Bills, Black, Boynton, Bryant, Burnett, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Lewis, Martinelli, Rogan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—25.

Also:

Insert in Section 1, page 8, line 38, of printed bill, the word "exclusively" after the word "structures" in said line.

Amendment refused adoption.

Also:

Insert in Section 8, page 8, line 44, of printed bill, the word "exclusively" after the word "necessary" in said line.

Amendment refused adoption.

The following amendments were offered by Senator Curtin:

By adding on page 17, line 30, following the comma after the word "preceding" the following: "or between such periods as the State Board of Equalization may determine,".

Amendment adopted.

Also:

On page 14, line 13, Section 11, strike out the brackets and the comma.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Strobbridge:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of ninety-seven and one half dollars (\$97.50) out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee for Washington memorial exercises, which were held on Wednesday evening, February 22, 1911, in the Assembly Chamber, itemized account of which is as follows:

Printing programs-----	\$12 50
Music (including piano rental)-----	30 00
Decorations -----	35 00
Plants-----	5 00
Veterans (life and drum corps)-----	5 00
Rental of chairs-----	2 50
Labor -----	7 50
Total -----	\$97 50

Resolution read, and referred to the Committee on Contingent Expenses.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Burnett:

Resolved, That Senate Bill No. 1232 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Haas, Hare, Hurd, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1232 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following

Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Also: Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upward of service by the State of California in one or more of the state hospitals of the State, who shall have arrived at the age of sixty years, constituting a state hospital employees' pension board and making a State appropriation pay the pensions provided for in this Act.

Also: Senate Bill No. 493—An Act giving and granting to the Board of Park Commissioners of the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego.

Also: Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of firearms.

Also: Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Also: Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Also: Senate Bill No. 1124—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said Act to be numbered section five and one half, relating to the presiding judge of such courts.

Also: Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Also: Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Also: Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

Also: Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Also: Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 946—An Act appropriating money to pay the claim of Edward I. Wolfe, against the State of California.

Also: Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor.

Also: Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Also: Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Also: Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Also: Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also: Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also: Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Also: Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining room at the Preston School of Industry.

Also: Senate Bill No. 190—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Also: Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

Also: Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Senate Bill No. 948—An Act for the investigation of all disputes and differences between persons, partnerships or associations, in charge of a public use or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, partnerships or associations in charge of a public use or engaged in public work of any kind or nature and persons employed by them to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared and providing penalties for the violation of any of the provisions of this Act.

Also: Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such board to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Also: Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 1010, and Senate Bills Nos. 347, 449, 493, 651, 990, 1040, 1124, 1140, 988, 266, 402, 704, 916, 966, 1031, 1096, 108, 111, 140, 145, 148, 149, 152, 156, 490, 891, 899, 918, 955, and 1085 ordered on file for third reading.

Senate Joint Resolutions Nos. 10 and 18 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Also: Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate persons, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 29, 1905.

Also: Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Also: Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Also: Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 23d day of February, 1911, at four o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Also: Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Also: Senate Bill No. 896—An Act to amend sections one, two, four, ten and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 4, 572, 896, and 1147 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Also: Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of

California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass.

REGAN, Chairman.

Senate Bills Nos. 610 and 611 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act—have had the same under consideration, and respectfully report the same back with a majority report do pass; minority report do not pass.

HURD, Chairman.

Senate Bill No. 1076 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 81 of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HURD, Chairman.

Senate Constitutional Amendment No. 48 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 512—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Also: Senate Bill No. 1030—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Also: Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 1½.

Also: Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a and by amending section four thereof.

Have had the same under consideration, and respectfully report the same back and recommend that committee substitutes be adopted.

HURD, Chairman.

Senate Bills Nos. 512, 1030, 1132, and 1133 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1237, by Senator Burnett, entitled "An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway."

Senate Concurrent Resolution No. 15, by Senator Wright, entitled, "Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14th, A. D. 1911."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said Senate bill and Senate concurrent resolution.

BOYNTON, Chairman.

RESOLUTION.

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they are hereby, permitted to introduce the bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Camacelli, Canfield, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Helehan, Hunt, Jackson, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strong, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Burnett: Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read first time, and referred to Committee on Corporations.

By Senator Wright: Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14, A. D. 1911.

Senate concurrent resolution referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1238, by Senator Cotten, entitled "An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature during the sixty-second fiscal year."

Senate Bill No. 1239, by Senator Cotten, entitled "An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature."

Senate Bill No. 1240, by Senator Cotten, entitled "An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer."

Senate Bill No. 1241, by Senator Shanahan, entitled "An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance."

Senate Bill No. 1242, by Senator Helehan, entitled "An Act to amend the Political Code of the State of California, by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915."

Senate Joint Resolution No. 22, by Senator Regan, entitled "Relative to the issuance of internal revenue licenses."

Senate Joint Resolution No. 23, by Senator Welch, entitled "Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States."

Senate Constitutional Amendment No. 53, by Senator Barnett, entitled "A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies."

Have had all of the foregoing under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said bills, joint resolutions, and constitutional amendment.

BOYNTON, Chairman.

RESOLUTION.

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they are hereby, permitted to introduce the Senate bills, joint resolutions and constitutional amendment, recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Avey, Bell, Bills, Birdsell, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES.—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Cutten: Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

By Senator Shanahan: Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Holohan: Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Bill read first time, and referred to Committee on County Government.

By Senator Regan: Senate Joint Resolution No. 22—Relative to the issuance of internal revenue licenses.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Welch: Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the the United States.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Burnett: Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies.

Senate constitutional amendment referred to Committee on Corporations.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER.)

The following reports of standing committees were received and read.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

WELCH, Chairman.

Senate Bill No. 1008 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1155—An Act entitled "An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications."

Also, Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Also: Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate bills Nos. 1155 and 1194 ordered on file for second reading.

Assembly Bill No. 495 ordered on file for second reading.

PRESENTATION OF BILL.

Senator Walker offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Juilliard asked for, and was granted, unanimous consent to take up Assembly Bill No. 37 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alco-

holic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Martinelli as a special committee of one, to amend Assembly Bill No. 37 as follows:

By inserting in Section 8, line 2, page 4, after the word "license" the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license" the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county" in Section 8, page 4, occurring after the word "or" in the "form of ballot" and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second proposition on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 15, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose lines 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 37, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Estudillo, the Secretary was directed to issue a rush order for printing Assembly Bill No. 37.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 1188 for consideration, out of order.

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1188 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to take up Senate Bill No. 1170 for consideration out of order.

Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1170 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Roynton, Bryant, Burnett, Cassidy, Estudillo, Gates, Hewitt, Holohan, Hurd, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—25.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

PERMISSION TO USE SENATE CHAMBER GRANTED.

Senator Hewitt asked for, and was granted, unanimous consent that the Committee on Judiciary be granted the use of the Senate Chamber, Friday, February 24, 1911, at eight o'clock P. M., for public hearing on Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

RECESS.

At five o'clock and fifteen minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 23 be postponed temporarily.

Motion carried.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second-reading file of the Senate bills was taken up.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was passed, to be placed at the foot of the file.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation."

On motion of Senator Curtin, Senate Bill No. 735 was temporarily passed on file, to retain its place.

Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1146—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 504—An Act to amend Section 40526 of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, of the printed bill, strike out the word "county" after the word "purpose", and insert the following: "by such county".

Amendment adopted.

Also:

On page 1, Section 1, line 7, of printed bill, strike out the word "four-fifths" and insert in lieu thereof the following: "four-fifths".

Amendment adopted.

Also:

On page 1, Section 1, line 8, of the printed bill, after the word "county" insert the following: ", library".

Amendment adopted.

Also:

On page 1, Section 1, line 10, of the printed bill, after the word "park" insert the following: ", library".

Amendment adopted.

Also:

On page 1, Section 1, line 12, of the printed bill, after the word "park" insert the following: ", library".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367c.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 4, line 2, after the figures "367" strike out the letter "c", and insert in lieu thereof the following: "d".

Amendment adopted.

Also:

On page 1, title, line 3, strike out the letter "c" after the figures "367", and insert in lieu thereof the following: "d, defining certain misdemeanors".

Amendment adopted.

Also:

On page 1, Section 1, lines 5, 6, 7, 8 and 9, strike out all of lines 5, 6, 7, 8 and 9, and insert in lieu thereof the following: "charged with an offense against any criminal law of this State, either before or after arrest, to what is commonly known as the

third degree, or who shall by means of threats, force, or by the infliction of mental or physical suffering, or by what is commonly known as sweating, seek to obtain from any person a confession of any public offense, shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Assembly Bill No. 781 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 781 An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cutten, as a special committee of one, to amend as follows:

In Section 3, page 2, line 6, of the printed bill as amended, insert the word "then" before the word "aggregate".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 781, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for third reading.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER)

The following reports of standing committee were received and read.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 936—An Act to amend Sections 3697, 3698, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3711, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code, to repeal Sections 3669, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3716, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, without recommendation.

BLACK, Chairman.

Senate Bill No. 936 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Also: Senate Bill No. 6—An Act providing for the support of common schools.

Also: Senate Bill No. 16—An Act providing for the support of the high schools.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

BLACK, Chairman.

Senate Bills Nos. 1052, 6, and 16 ordered on file for second reading.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to admission of voluntary patients to state hospitals—was passed, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 718 was passed, be postponed, and made a special order for Friday, February 24, 1911, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 23, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 23.

A resolution, to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be known as Article XXIII, providing for the recall by the electors, of any officer of the State.

The Legislature of the State of California, at its regular session, convened on the second day of January, 1911, the Honorable and the honorable members of the two houses of said Legislature voting in favor thereof, hereby proposes that a new article be added to the Constitution of the State of California to be known as Article XXIII thereof, to read as follows:

ARTICLE XXIII.

SECTION 1. Every officer, public officer of the State of California may be removed from office at any time by the electors entitled to vote at a successor of such incumbent, through the procedure and in the manner herein provided for, and the procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition, signed by electors entitled to vote at a successor of the incumbent sought to be removed, equal in number to at least one per cent of the entire vote cast at the last preceding election for all candidates for the office where the incumbent sought to be removed occupies (provided that if any officer sought to be removed is a state officer who is elected in any primary subdivision of the State, said petition shall be signed by electors entitled to vote at a successor of the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) deposited at election day, and signed by the officer named in said petition, shall be addressed to the Secretary of State, and filed with the clerk, or register of voters, of the county or city and county in which the petition was circulated; provided that if the officer sought to be removed was elected in the State at large, said petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith send the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or register of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No",

said incumbent shall continue in said office. If a majority shall vote to recall said incumbent shall thereupon be deemed removed from such office, upon the expiration of his successor. The canvassers shall canvass all votes for candidates for recall and declare the result in like manner as in a regular election. If the vote at such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signature shall be accompanied by his signature, his place of residence, giving the street and number if possible. His election precinct shall also appear on the paper after his name. The signatures and signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be permitted to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county, in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto an affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit or certificate shall be required. The affidavit of any person soliciting signatures to the petition shall be verified free of charge by any officer authorized to administer oaths. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. It shall not be until it is otherwise proven upon official investigation. It shall be a condition that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated, but all such sections shall be filed in any county or city and county shall be filed at the same time. Within forty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same, and, if necessary, the board of supervisors shall employ such clerk or registrar additional assistants for the purpose of examining said petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, together with the signatures appended thereto, to the Secretary of State and the receipt of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition, but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more clerks or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Curtin as a special committee of one, to amend as follows:

AMENDMENT No. 1.

On page 1, Section 1, line 10, of the resolution, before the words "may be", insert the following: "except an officer holding a judicial position."

AMENDMENT No. 2.

On page 7, line 201, at the end of the sentence insert the following: "The legislature shall enact all laws necessary to make this law operative in each county, city and county, city and town of the state."

Motion carried.

SUSPENSION OF RULE.

Senator Wolfe moved that the rule limiting the time of debate to five minutes, be suspended during the consideration of Senate Constitutional Amendment No. 23.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At ten o'clock and fifty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

MOTION.

Senator Wright asked for, and was granted, unanimous consent to divide the amendments referred by him to Senator Curtin, as a special committee of one.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred amendment No. 1 to Senate Constitutional Amendment No. 23, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

The question being on the adoption of the report of the special committee of one on Amendment No. 1 to Senate Constitutional Amendment No. 23.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Boynton, Cassidy, Curtin, Cutton, Estudillo, Finn, Hewitt, Martinelli, Thompson, Wolfe, and Wright—11.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Gates, Hans, Hare, Holohan, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Welch—29.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Amendment No. 2 to Senate Constitutional Amendment No. 23, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Amendment refused adoption.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 23 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juddard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—36.

NOES—Senators Curtin, Martinelli, Wolfe, and Wright—4.

Senate Constitutional Amendment No. 23 ordered engrossed and transmitted to the Assembly.

EXPLANATION OF VOTE.

By Senator Curtin.

MR. PRESIDENT: I voted "No" on this amendment because there is included in it the right to recall the judiciary. I would have voted for this amendment if the judiciary was not included in the amendment. I regard the inclusion of the judiciary in this amendment, as one of a most dangerous character, and strikes a serious blow at the independence of the courts, and such a condition jeopardizes the liberty of the citizen, and the security to him of his property.

February 23, 1911.

By Senator Estudillo:

MR. PRESIDENT: I desire to explain my vote on Senate Constitutional Amendment No. 23. I am on principle in favor of the recall of all elective and appointive officers, excepting judicial officers.

I am conscientiously opposed to the recall of judicial officers for the reason that I believe that no good cause exists for it. I believe that there is a difference between the status of judicial officers, and that of other officers. I am opposed to the recall of the judiciary, for the further reason that I believe it will eventually destroy the independence and stability of that institution that has been, and should be, the guardian of the liberty of the people.

But as the two propositions, viz.: the recall of the judiciary, and that of other officers are so interwoven, that I am not given the privilege of voting against the one, and voting for the other, and as I consider the collective judgment of the electors of this State wiser than mine, I am willing to submit the whole question to them.

Also:

By Senator Boynton:

MR. PRESIDENT: I voted for the proposed amendment to Senate Constitutional Amendment No. 23, because I firmly believe that there is an honest and conscientious difference of opinion in the minds of the people of California, relative to the merits of the recall of judicial officers.

For several weeks I earnestly urged the author of the constitutional amendment, to separate the question, so that two amendments would be submitted to the electors—one applicable to all public officers except the judiciary—the other applicable to the judiciary alone. Such separation would allow the electors of the State of California

a fair opportunity to express their frank and honest views on each of these two important questions. I believe they are entitled to, and should have, that opportunity. The separation was not made. Had it been made I would have supported both measures.

The only way open to me, therefore, to give expression to my belief, was to vote to except judicial officers from the proposed constitutional amendment, in the hope and conviction that if such exception were made, the companion measure in the Assembly would be amended to apply to judicial officers only, and that both constitutional amendments would be adopted by this Legislature and submitted to the electors of California.

We join in the foregoing statement.

LESLIE R. HEWITT.
N. W. THOMPSON.

EXPLANATION OF VOTE.

By Senator Juilliard:

MR. PRESIDENT: We voted for Senate Constitutional Amendment No. 23, which includes the recall of all officers. As there is considerable doubt and difference of opinion as to the advisability of including the judiciary therein, it would seem that it would have been the better course to have divided the question and thus have permitted the people to express themselves upon the recall as applicable to the judiciary, in a separate proposition or prepared amendment, and also to express themselves as to the recall of all other officers in another and separate proposed amendment.

It would have been fairer to the people, and to the recall, had the question been divided, and in such condition caused the same to be submitted to the voters for consideration and action. Though not divided, but as friends of the recall and against our better judgment, we still voted for the amendment as presented because no alteration was afforded us.

We join in the foregoing statement.

THOS. F. FINN.
JOHN J. CASSIDY.

MOTION.

Senator Wolfe moved that when the Senate adjourn on Friday, February 24, 1911, it adjourn until Monday, February 27, 1911.

Motion carried.

ADJOURNMENT.

At eleven o'clock and forty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Friday, February 24, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Friday, February 24, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Catten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 23, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to LeRoy Smith, of San Luis Obispo.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. C. H. Windham, Mayor of Long Beach, and Mr. F. C. Roberts, of Long Beach.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Edward Simpson, of Pacific Grove.

LEAVES OF ABSENCE.

Senator Gates was, on motion of Senator Thompson, granted leave of absence for the forenoon of this day.

Senator Tyrrell was, on motion of Senator Rush, granted leave of absence for the forenoon of this day.

Senator Curtin was, on motion of Senator Caminetti, granted leave of absence for this day.

Senator Hewitt was, on motion of Senator Bell, granted leave of absence for the forenoon of this day.

PETITION.

The following petition was received and ordered printed in the Journal.

To the President of the Senate of the State of California.

ESTEEMED FRIEND: At Orange Grove monthly meeting of Friends of Pasadena, California, held second month, twelfth, 1911, the following minute was unanimously united with and the clerks were authorized to sign on behalf of said meeting:

We most respectfully protest against that portion of Senate Bill No. 595 introduced by Senator Larkins which includes compulsory military training, drill and tactics in the high schools of this State; for the reason that it will be demoralizing to the youthful minds to teach the art and science of killing human beings. Such training and teaching is contrary to, and subversive of, the religion which we profess, and our society has always had conscientious scruples against it, believing that there are better ways of settling international questions.

Very truly, thy friends,

KETURAH E. YEO, Clerk.

ELLA M. HUNT, Assistant Clerk.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to

exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith;" approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 960 and 83 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 147.—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 279.—An Act to establish the Alpine State Highway; to define its course; to provide for its supervision, construction, repair and maintenance, and to make an appropriation therefor.

Also: Senate Bill No. 1013—An Act to amend an Act entitled the Penal Code, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 147, 279, 1013, and 401 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 467—An Act to validate municipal bonds.

Also: Senate Bill No. 708—An Act to amend Section 2398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lien land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also: Senate Bill No. 709—An Act to provide for the cancellation of application for lien lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the general land office, at Washington, D. C., and of record therein.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 24th day of February, 1911, at ten o'clock A. M.

CASSIDY, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Caminetti to reconsider vote whereby Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals—was passed, the same was taken up for consideration.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 718 was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cutten, Estrudillo, Hare, Walker, Wolfe, and Wright—12.

NOES—Senators Avey, Bell, Bills, Burnett, Cassidy, Finn, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, and Welch—20.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm at the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing room and dormitory over the dining room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 141—An Act providing for an appropriation of \$750, for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also: Senate Bill No. 661—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Also: Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 520, 518, 514, 513, 436, 379, 376, 659, 658, 141, 661, 189, 80, 74, 541, and 542 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Also: Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville, Napa County, California.

Also: Assembly Bill No. 191—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Also: Assembly Bill No. 581—An Act to provide for the first stage of repairs cottages at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 821—An Act to provide for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence, and making an appropriation therefor.

Also: Assembly Bill No. 829—An Act prohibiting the unnecessary waste of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows, and providing penalties for violating the provisions of this Act.

Also: Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3470, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3467, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493 of the Political Code of the State of California, relating to reclamation and swamp land districts.

Also: Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Also: Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis patient at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to the said code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

Also: Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Also: Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of State Hospitals.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 70, 85, 86, 88, 90, 92, 93, 94, 494, 581, 821, 829, 833, 883, 955, 991, 992, and 1141 read first time.

Assembly Bills Nos. 70 and 883 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 85, 86, 88, 581, 955, 1141, 90, 92, 93, and 94 ordered referred to Committee on Hospitals and Asylums.

Assembly Bill No. 494 ordered referred to Committee on Corporations.

Assembly Bill No. 821 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 829 ordered referred to Committee on Irrigation.

Assembly Bill No. 833 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 991 ordered referred to Committee on Military Affairs.

Assembly Bill No. 992 ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 2 referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 561—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the woman's building, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Also: Senate Bill No. 567—An Act authorizing and directing the State Agricultural Society to purchase additional land adjoining the state fair grounds, at Agricultural Park, near the city of Sacramento, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 561, 565, 566, and 567 ordered re-referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

Also: Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held thereon on the 24 day of November, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 12 ordered on file

Assembly Concurrent Resolution No. 12 ordered on file

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes; and to provide penalties for the violation thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back amended, and recommend that it do pass as amended, and be re-referred to the Finance Committee.

BILLS, Chairman.

Senate Bill No. 339 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other statistics for the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 1016 ordered re-referred to Committee on Finance.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68½.

Also: Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124 thereof and by adding new Sections 120, 52, 53, and 84 thereto.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

TYRRELL, Chairman.

Senate Bills Nos. 939 and 940 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

MARTINELLI, Chairman.

Assembly Bill No. 1015 ordered on file for second reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the

duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back and recommend that same do pass as amended.

HANS, Chairman.

Assembly Bill No. 663 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of provisions of this Act, and making an appropriation therefor", approved March 18, 1905, relating to slash burning.

Also: Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Also: Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Also: Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Also: Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Also: Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Bill No. 1146—An Act to amend Section 2133a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Also: Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 747, 978, 980, 981, 982, 1067, 1068, 1146, and 1233 ordered on file for third reading.

SUSPENSION OF RULE.

Senator Campbell moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

PRESENTATION OF BILLS, ETC.

Senator Estudillo offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the

State of California, relating to striped bass—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 947 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 972—An Act to amend Section 6324 of the Penal Code of the State of California, relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WALKER, Chairman.

Assembly Bill No. 972 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

On motion of Senator Estudillo, Senate Bill No. 572 was passed, to be placed at the foot of the file.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Gates, the second-reading file of the Assembly bills was taken up.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Gates, the second-reading file of Senate bills was taken up.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Senate Bill No. 735 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and adding a new section, thereto to be known and designated as Section 16a relating to voting or ballot machines.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 2, line 3, a "d" should be added to the word "approve," making it read "approved."

Amendment adopted.

Also:

On page 14, line 92, the words "order of judgment," should read "order or judgment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Senate Bill No. 793 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose prac-

tices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 512 (Committee Substitute for) — An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and repealing an Act entitled "An Act to provide for work upon and the construction of sidewalks, and curbing within municipalities," approved March 6, 1909, and an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and the amendments thereto.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 512

An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

PART I.

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| SECTION 1. | Public streets defined. |
| SECTION 2. | What work may be done. |
| SECTION 3. | Resolution of intention. |
| SECTION 4. | When chargeable on district. |
| SECTION 5. | Notice of improvement. |
| SECTION 6. | Protest and hearing. |
| SECTION 7. | Jurisdiction when acquired. |
| SECTION 8. | Plans and specifications. |
| SECTION 9. | Descriptions by reference. |
| SECTION 10. | Inviting sealed proposals. |
| SECTION 11. | Notice of awarding contract. |
| SECTION 12. | Owners may take contract. |
| SECTION 13. | Readvertising for bids. |
| SECTION 14. | Delinquent contractors. |
| SECTION 15. | Bond for faithful performance. |
| SECTION 16. | Protesting erroneous proceedings. |
| SECTION 17. | Advancing incidental expenses. |
| SECTION 18. | Conditions in contract. |
| SECTION 19. | Bond for labor and material. |
| SECTION 20. | Methods of assessment. |
| | Sub. 1. Frontage assessment. |
| | Sub. 2. Main street crossings. |
| | Sub. 3. Main street terminations. |
| | Sub. 4. Alley and main street crossings. |
| | Sub. 5. Alley and subdivision street crossings. |
| | Sub. 6. Alley terminations. |
| | Sub. 7. One side of street. |
| | Sub. 8. Public property. |
| | Sub. 9. When owners may grade. |
| | Sub. 10. Diagram of assessment district. |
| SECTION 21. | Making the assessment. |
| SECTION 22. | Warrant. |
| SECTION 23. | Recording warrant, etc. |
| SECTION 24. | Demanding payment. |
| SECTION 25. | Contractor's return. |
| SECTION 26. | Final objections. |
| SECTION 27. | Contractor's suit. |

- SECTION 28. New assessment permitted.
- SECTION 29. Selling premises on execution.
- SECTION 30. Partial assessment.
- SECTION 31. Repairs.
- SECTION 32. Suit for repairs.
- SECTION 33. Additional penalty for neglect.
- SECTION 34. Tenant may pay assessment.
- SECTION 35. Service of notice.
- SECTION 36. Accepted streets.
- SECTION 37. Records of street superintendent.
- SECTION 38. Duty of street superintendent.
- SECTION 39. Damages—defective streets.
- SECTION 40. Partial expense from treasury.
- SECTION 41. City engineer.
- SECTION 42. Inspector.

PART II.

- SECTION 43. Change of grade.
- SECTION 44. Claiming damages.
- SECTION 45. Commissioners.
- SECTION 46. Damages and benefits.
- SECTION 47. Report of commissioners.
- SECTION 48. Notice of hearing report.
- SECTION 49. Objections to report.
- SECTION 50. Advertising for bids.
- SECTION 51. Making assessment.
- SECTION 52. Assessment roll.
- SECTION 53. Collecting assessments.
- SECTION 54. Sale of property.
- SECTION 55. Redeemable within one year.
- SECTION 56. Separate funds.
- SECTION 57. Notice of damages awarded.
- SECTION 58. Condemnation proceedings.

PART III.

- SECTION 59. Serial bonds may be issued.
- SECTION 60. When and where payable.
- SECTION 61. Notice in resolution of intention.
- SECTION 62. Notification to treasurer.
- SECTION 63. Form of bond.
- SECTION 64. Limitation, twenty-five dollars.
- SECTION 65. Owner may stop issuance.
- SECTION 66. Description of bonds.
- SECTION 67. Penalty for default.
- SECTION 68. Sale of property.
- SECTION 69. Treasurer's affidavit.
- SECTION 70. Costs and fees.
- SECTION 71. Certificate of treasurer.
- SECTION 72. Lien on the property.
- SECTION 73. Redemption.
- SECTION 74. Recording certificate.
- SECTION 75. Deed to purchaser.
- SECTION 76. Absolute title.
- SECTION 77. Railroad property.
- SECTION 78. No protests.

PART IV.

- SECTION 79. Definitions.
- SECTION 80. Hearings.
- SECTION 81. Publication and posting.
- SECTION 82. Construction of act.
- SECTION 83. Saving clause.

PART I.

Public streets defined.

SECTION 1. All streets, lanes, alleys, places or courts, in the municipalities of this State now open or dedicated, or which may hereafter be open or dedicated to public use, shall be deemed and held to be opened public streets, lanes, alleys, places or courts, for the purpose of this Act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in this Act under the proceedings hereinafter described.

What work may be done.

SEC. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, cross-walks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection, tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same, the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way of such city.

Resolution of intention.

SEC. 3. Before ordering any work done or improvement made, which is authorized by this Act, the city council shall pass a resolution of intention so to do referring to the street by its lawful or official name or the name by which it is commonly known, and describing the work, which shall be posted by the clerk conspicuously for two days on or near the chamber door of said council, and published twice in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The city council may include in one resolution of intention and order any of the different kinds of work mentioned in this Act and may include any number of streets and rights of way in one proceeding and one contract, and it may except therefrom any of said work already done upon a street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made, *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of section twenty of this Act.

When chargeable on a district.

SEC. 4. Whenever the contemplated work or improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof.

Notice of improvement.

SEC. 5. The street superintendent shall also cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution. In case the work is chargeable upon a district as hereinafter provided, copies of said notice shall be posted along the street frontages of all the real property within such district.

Said notice shall be headed "Notice of Improvement," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly, the work or improvement proposed, and refer to the resolution for further particulars.

After said notices have been posted the street superintendent shall cause to be published once in one or more daily, semi-weekly or weekly newspapers published and circulated in said city and designated by the council for that purpose, a notice that said notices of improvement have been posted as herein provided: upon the publication of said notice said posting shall be deemed to be completed.

Protest and hearing.

SEC. 6. At any time within fifteen days after the publication of the notice of the posting of said notices, any owner of property liable to assessment may make written protest against the proposed work or against the assessment district, or both thereof, which protest must be in writing and be delivered to the clerk of the city council, who shall endorse thereon the date of its reception by him. At the regular meeting of the city council next succeeding the expiration of the time within which protests may be made hereunder, the city council shall proceed to hear and pass upon all protests so made and its decision thereon shall be final and conclusive; *provided, however*, that when the protest is against the proposed work and the city council finds that it is made by the owners of a majority of the frontage of the property abutting upon the proposed work, the doing of said work shall be carried for a period of six months from the date at which such majority protest is filed, unless the said protest be overruled by an affirmative vote of two-thirds of the members of the city council. The city council may adjourn the hearing from time to time.

Jurisdiction when acquired.

SEC. 7. At the date in this Act fixed at which protests will be heard, when none have been made, or when made have been overruled as herein provided, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed work.

Plans and specifications.

SEC. 8. Before passing any resolution for the construction of improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him.

Description by reference.

SEC. 9. In all resolutions, notices, orders and determinations subsequent to the resolution of intention, it shall be sufficient to describe the work or the assessment district or both thereof, by reference to the resolution of intention therefor.

Inviting sealed proposals.

SEC. 10. Before the awarding of any contract by the city council for doing any work authorized by this Act, the city council shall pass a resolution ordering the work, and cause notice, with specifications, to be posted conspicuously for five days on or near the council chamber door of said council, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposals, and referring to the specifications posted or on file, to be published twice in a daily, semi-weekly, or weekly newspaper published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. The time fixed for the opening of bids shall be not less than ten days from the time of the first publication or posting of said notice. All proposals or bids offered shall be accompanied by a check payable to the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session publicly open, examine and declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid.

If the bids are rejected or no bids are received the city council may within six months thereafter readvertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city and shall be collected by it and paid into its general fund, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund.

Notice of awarding contract.

SEC. 11. Notice of such award of contracts shall be posted for five days in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published twice in a daily newspaper published and circulated in said city and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated: *provided, however,* that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided.

Owners may take contract.

SEC. 12. The owners of three fourths of the frontage of lots and lands liable to be assessed, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first publication of said notice of such award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and enter into a written contract *therefor* within ten days, or to commence the work within fifteen days after the first publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid.

Re-advertising for bids.

SEC. 13. But if such original bidder neglects, fails or refuses, for fifteen days after the first publication of the notice of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. Should no bids be received in response to this second call for proposals, the council may again advertise for bids under the same proceedings at any time within six months from the time set for the last reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract, as herein provided, shall be rejected at any bidding or election subsequent to the first for the same work.

Delinquent contractors.

SEC. 14. If the owner or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further time as the city council may give him, the superintendent of streets shall report such delinquency to the city council, which may reject the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance.

Bond for faithful performance.

SEC. 15. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties and payable to such city, in a sum not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract, and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions.

Protesting erroneous proceedings.

SEC. 16. At any time within ten days from the date of the first publication of the notice of award of contract, any owner of, or other person having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings, relating to said improvement are irregular, defective, erroneous or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding occurring prior to the date of the first publication of the aforesaid notice of award, in relation to said improvement, not made in writing and in the manner and at the time aforesaid, shall be waived, provided the resolution of assenting to do the work has been actually published and the notices of improvement posted as provided in this Act.

Advancing incidental expenses.

SEC. 17. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this Act, and of such other notices as may be deemed requisite by the city council, together with all other incidental expenses: *provided, however,* that all contracts entered into between the owners of any property and the contractor or his agents performing

the work of improvement on any street, alley, lane, avenue, place, court, shall be in duplicate and shall contain all items of expense and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract to be held by the contractor or his agent, and the duplicate to be held by the owner, who must receipt to the agent or contractor therefor. And in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

Conditions in contract.

SEC. 18. The superintendent of streets is hereby authorized, in his official capacity, to make all written contracts, and to receive all bonds authorized by this Act, and to do any other act, either express or implied, that pertains to the street department under this Act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. The work must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, and all contracts made therefor must contain a provision to that effect, and also express notice that, in no case, except where it is otherwise provided by law or the city charter with the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets in the mode provided by this Act.

Bond for labor and material.

SEC. 19. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this Act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not less than one half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies or corporations who perform labor on, or furnish materials to be used in the said work or improvement, and shall provide that if the contractor, person, company or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialman, person, company or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company or corporation, filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof.

Methods of assessment—Frontage assessment.

SEC. 20. *Subdivision One.* The expenses incurred for any work authorized by this Act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Main street crossings.

Subdivision Two. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, halfway to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Main street terminations.

Subdivision Three—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Alley and main street crossings.

Subdivision Four—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Alley crossings.

Subdivision Five The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Alley terminations.

Subdivision Six—Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side, respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

One side of street.

Subdivision Seven—Where any work mentioned in this Act (municipal sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or resewering is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Public property.

Subdivision Eight—Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or to any county, city, town or district, mandatory of a government, school district, educational, penal or reform institution or institution for the feeble minded or the insane, and being in use for the performance of any public function, fronts upon the proposed work of improvement or is included within the district declared by the city council in the resolution to be the district to be assessed to pay the cost and expenses thereof, the city council may, in its discretion, in the resolution of intention, declare that said lots, pieces or parcels of land so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall, by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement or lying within the limits of the assessment district without regard to such omitted lots, pieces or parcels of land. In the event that the city council shall, in its resolution of intention, declare the said lots, pieces or parcels of land so owned and in use, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land, so owned and used, shall be payable by the city out of the General Fund.

When owners may grade.

Subdivision Nine—It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office.

properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade and the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work except grading, on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Diagram of assessment district.

Subdivision Ten—Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions two, three, four, five, six and seven of this section shall not be applicable to the work or improvement provided for in this subdivision.

Railroad property.

Subdivision Eleven—The terms, lot, lots, lands, piece or parcel of land wherever mentioned in this Act shall be deemed to include and shall include properly owned or controlled by any person, firm or corporation as a railroad street or interurban railroad right of way, and whenever a railroad street or interurban railroad right of way shall front on or abut or parallel or be included within or divide longitudinally any street improved under the provisions of this Act or shall be included within any district to be assessed for the cost of any improvement provided in this Act, such railroad right of way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this Act, and such railroad street or interurban railroad right of way shall be subject to sale for non-payment of assessments as in this Act provided.

Making the assessment.

SEC. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or city council on appeal, the street superintendent shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said council on appeal, then in conformity with such direction and decision, which assessment shall usually refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portions of a lot (if known to the street superintendent); if unknown the word "Unknown" shall be written opposite to the number of the lot, and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, on which any work has been done, and showing the relative location of each district, lot or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed.

Warrant.

SEC. 22. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

FORM OF WARRANT

By virtue hereof, I (name of the superintendent of streets), of the city of _____, county of _____ (or city and county of _____), State of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor) (his or their) agents to demand and receive, the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.
(Date) _____ (name of superintendent of streets)

Countersigned by (name of mayor), _____

Recording warrant, etc.

SEC. 23. Said warrant, assessment, and diagram, together with the certificate, if any, of the city engineer of the quantity and character of the work done, shall be recorded in the office of said superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section twenty-six of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns, and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in said contracts and assessments.

Demanding payment.

SEC. 24. The contractor or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, can not conveniently be found, or whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed.

Contractor's return.

SEC. 25. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the returns so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not

already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued, and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid, said interest to be computed from the date of the recording of the return.

Final objections.

SEC. 26. The owners, whether named in the assessment or not the contractor, or his assigns, and all other persons directly interested in any work done under this Act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing, and filing the same with the clerk of said city council. Notice of the time and place of the hearing, as fixed by the council, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be posted conspicuously by the clerk, on or near the chamber door of the council chambers, for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work; may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the superintendent of streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said city council in relation thereto, at their option. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy. No assessment, warrant, diagram or affidavit of demand and non payment, after the issue of the same, and no proceedings prior to the assessment, shall be void or invalid by any court for any error, informality, or other defect in the same, where the resolution of intention of the council to do the work, has been publicly published as herein provided, and said notices of improvement have been posted along the line of the work, as provided in section four of this Act, before the passage of the resolution ordering the work to be done.

Contractor's suit.

SEC. 27. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in section twenty-six of this Act, at any time after five days from the decision of said council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section twenty-six, but not less than thirty-five days from the date of the warrant, the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this Act where personal demand has been made upon the owner or his agent, but not otherwise, the plaintiff shall recover such sum as the court may fix in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall be entitled to have and recover the sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the Superior Court within whose jurisdiction the case in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners thereof can not, with due

diligence, be found, the service of each of said actions may be had in such manner as is prescribed in the Codes and laws of this State. It shall be competent to bring a single action under any such assessment (respective of the number of lots assessed where the parties defendant are identical and where separate acts are brought the same may be consolidated by order of the court. The said warrant, assessment, certificate and diagram, with the affidavit of demand and non payment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action.

New assessment permitted.

SEC. 28. Whenever, in any suit, the lien of an assessment or reassessment, or of a bond issued for the cost of such work, shall be held invalid for any cause arising subsequent to the publication and posting of the resolution of intention and the posting of the notices of improvement along the line of work, or because the work or any part thereof is not sufficiently described in the resolution of intention, the contractor or his assigns, or the holder of such bond shall have the right, within sixty days thereafter, to apply for and receive a new assessment for the cost of the work done and sufficiently described in the resolution of intention, or specification on file, such cost to be assessed upon the property and in the same manner as provided in sections twenty and twenty-one of this Act, and the street superintendent shall, within twenty days after such application, make and deliver to said applicant a new assessment, warrant and diagram in accordance with the law governing the issuance of originals of such documents, and the mayor shall in like manner countersign the said warrant, which reassessment shall be a lien on the property so assessed for two years from the date of the recording of said reassessment, warrant and diagram, and be enforced in the same manner as an original assessment would be enforced. If an appeal be taken from the judgment by which such an assessment is held invalid, the time herein provided for making application for a new assessment shall not begin until such case be in some manner finally disposed of.

Selling premises in execution.

SEC. 29. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts, and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Codes of this State.

Partial assessment.

SEC. 30. The city council, instead of waiting until the completion of the improvement, may, in its discretion, and not otherwise, upon the completion of two blocks or more of any improvement, order the street superintendent to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as provided in the preceding sections.

Repairs.

SEC. 31. When any portion of any improved street, avenue, lane, alley, court, or place in said city, or any sidewalk constructed thereon shall be out of repair, or needing reconstruction, and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said superintendent of streets to require, by notice in writing, to be delivered to them or to their agents personally, or left on the premises, the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, or said portion of said sidewalks so out of repair or needing reconstruction as aforesaid, to repair or reconstruct, or to do both, forthwith, said portion of said street, avenue, lane, alley, court, or place, to the center line of said street in front of the property of which he is the owner, or tenant, or occupant; and said superintendent of streets shall particularly specify in said notice what work is required to be done, and how the same is to be done, and what material shall be used in said repairs, or reconstructions, or both. If said repairs, or reconstructions, or both, be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said superintendent of streets may, under authority from said city council, make such repairs, reconstructions, or both, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specification for the doing of said work shall have been conspicuously posted by him in his office for two days, inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting, and opened by him on the next day following the expiration of said two days of posting,

and the contract by him be awarded to the lowest bidder, if such lowest bid, in the judgment of said street superintendent, shall be reasonable. All of said bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and such owner, tenant, or occupant shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of said street superintendent. Upon the completion of said repairs, or reconstruction, or both, by said contractors as aforesaid, to the satisfaction of said superintendent of streets, said superintendent of streets shall make and deliver to said contractor a certificate to the effect that said repairs, or reconstruction, or both, have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that he, said superintendent, has accepted the same.

Suit for repairs.

SEC. 32. If the expenses of the work and material for such improvement, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant, for the amount contracted to be paid; and said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said superintendent of streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section twenty-three of this Act, and may be enforced in the same manner.

Additional penalty for neglecting repairs.

SEC. 33. In addition, and as cumulative to the remedies above given, the city council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section thirty-one of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California in the court having jurisdiction thereof, and may be applied, if deemed expedient by the said council, in the payment of the expenses of any such repairs not otherwise provided for.

Tenant may pay assessment.

SEC. 34. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this Act, or he may pay the price agreed on to be paid under the provisions of section thirty of this Act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if said an execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Service of notice.

SEC. 35. Notices in writing which are required to be given by the superintendent of streets, under the provisions of this Act, may be served by any person, with the permission of the superintendent of streets, and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent of streets, who for that purpose, and for all other purposes, and in all cases where a verification is required under the provisions of this Act, is hereby authorized to administer oaths, or other person authorized to administer oaths, or such notices may be delivered by the superintendent of streets himself, who must also verify the service thereof, and who shall keep a record, of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person.

Accepted street.

SEC. 36. Whenever any street, or portion of a street, has been or shall hereafter be fully constructed and substantially paved in accordance with specifications adopted by the council, and to the satisfaction of the superintendent of streets and of the city council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the city council shall adopt, the same may be accepted by the city council, by ordinance, for all time or for a term of years, as the council may determine, and thereafter the same shall be kept in repair and improved by the said municipality, for the period of such acceptance; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said council for that purpose, *provided*, that the city council shall not accept any portion of the street less than the entire width of the roadway (including the curbing), and one block in length, or one entire crossing; *and, provided further*, that the city council may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water

pipes therein, if the ordinance of acceptance expressly states that the council deem such sewer, or gas pipes, or water pipes, to be then unnecessary, but the lots of land previously, or at any time, assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The superintendent of streets shall keep in his office a register of all streets accepted by the city council under this section, which register shall be indexed for easy reference thereto.

Records of street superintendent.

SEC. 37. The superintendent of streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this Act. The records so kept and signed by him, shall have the same force and effect as other public records, and copies therefrom duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours be open to the inspection of any citizen wishing to examine them free of charge.

Duty of street superintendent.

SEC. 38. It shall be the duty of the superintendent of streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are properly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the city council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the city council, and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the street or sewer fund of said city.

Damages—Defective streets.

SEC. 39. If, in consequence of any graded street or public highway or sidewalk being out of repair and in condition to endanger persons or property passing thereon, any person, while carefully using said street or public highway or sidewalk and exercising ordinary care to avoid the danger, suffer damage to his person or property, through any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after written notice thereof to the said superintendent of streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that said superintendent has the authority to make said repairs, under the direction of the city council, at the expense of the city.

Partial expenses from treasury.

SEC. 40. The city council may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work mentioned in this Act be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in the resolution of intention. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, parts of lots and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

City engineer.

SEC. 41. The city engineer, or where there is no city engineer, the county or city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no city engineer, the city council thereof is hereby authorized and empowered

to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Inspection.

SEC. 42. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the reconstruction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping sidewalks, or of the paving of whatever character heretofore mentioned, in whole or in part, or one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this Act.

PART II.

Change of grade.

SEC. 43. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place or court, and to regrade or amend the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered the city council shall pass a resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of regrading, repaving, sewerage, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewered, sidewalked, or curbed, and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published twice in the newspaper in which the official notices of the city council are usually printed and published, to be designated in such resolution and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. The superintendent of streets shall also cause to be conspicuously posted within the district designated in the resolution, notice of the passage of said resolution. Said notice shall be the same in all requirements of contents and posting as the "notices of improvement" provided for in section four of this Act. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the clerk of the council within thirty days from the first publication of the resolution of intention hereinbefore mentioned or, if objections are presented and after due notice and hearing are overruled by the council, the city council shall have power to order and declare such grades to be changed and established in conformity to said resolution, which order shall be posted by the clerk on the chamber door of the council for five days.

Claiming damages.

SEC. 44. Within thirty days after the first posting of said order as aforesaid, any person owning property fronting upon said portions of the street or streets where such change of grade is made, may file a petition with the clerk of the city council showing the fact of such ownership, the description and situation of the property, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioners or their agents.

Commissioners.

SEC. 45. Whenever such petition or petitions have been filed, the mayor, engineer or surveyor, and superintendent of streets of the city, or city and county, or board of public works if there be such board, acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district showing the same by a plat as said lot appears of record upon the last city, or city and county assessment roll. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor. The commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer.

Damages and benefits.

SEC. 46. The commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges, and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each

of the lots shall be assessed in accordance with its benefits caused by such work of improvement; and during the progress of their work shall make a report to such city council as often as it may be required.

Report of commissioners.

SEC. 47. The commissioners shall make their report, in writing, and said report shall be filed with the city council. In their said report they shall describe separately each piece of property which will sustain damage, stating the amount of damages each will sustain over and above all benefits. There shall also be given a brief description of each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of damages assessed against the same. In case the three commissioners do not agree, the matter assessed upon by a majority of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district, and such diagram to be attached to and made a part of the report of the commissioners. If in case the commissioners find that conflicting claims of title exist in relation to an ignorance or doubt of the ownership of any lot or land, or any improvement thereon, or any interest therein, it shall be set down as belonging to and owned by the person in the designation of the owner or owners of any land or improvements, or particulars of their interest, shall not affect the validity of the assessment.

Notice of hearing report.

SEC. 48. On the filing of said report, the clerk of said city council shall give notice of such filing by publication twice in one of said daily newspapers, or in a weekly or semi-weekly newspaper so published and circulated; and said notice shall require all persons interested to show cause, if any, why said report should not be confirmed, before the city council, on a day to be fixed by the city council and stated in said notice, which day shall not be less than twenty days from the first publication thereof.

Objections to report.

SEC. 49. All objections shall be in writing and filed with the clerk of the city council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the council, when, and at a time for hearing the same; of which time the clerk shall notify the persons in the said manner as are notified objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned, the city council shall hear such objections and pass upon the same, and at such time shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and map, which shall be filed, notice given and had, as in the case of an original report.

Advertising for bids.

SEC. 50. In case the resolution of intention also provides for the assessing upon the district the cost of regrading or repaving such street or streets to such changed or modified grade, after the report of the commissioners as to the damages caused by such change of grade has been passed upon by the city council, it shall then advertise for bids to perform the work of regrading, repaving, severing, sidewalk, or curbing such street or streets with the same or other material work which the same had been formerly graded, paved, severed, sidewalked, or curbed; first causing a notice, with specifications, to be posted conspicuously for five days on or near the council chamber door, inviting sealed proposals or bids for doing such work, and shall also cause notices of said work, inviting said proposals and referring to the specifications posted or on file, to be published twice, in a daily, semi-weekly, or weekly newspaper published and circulated in said city, and designated by the city council for that purpose. All proposals or bids offered shall be accompanied by a check, payable to the city, and certified by a responsible bank, which shall not be less than ten per cent of the aggregate of the proposals, or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall in open session publicly open, examine and declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by a check or a bond satisfactory to the council. The city council may reject any and all bids, and may award the contract to the lowest responsible bidder. If not accepted the city council may readvertise for proposals or bids as in the first instance, and thereafter proceed in the manner in this section provided. All checks accompanying bids shall be held by the clerk until such successful bidder has entered into a contract, as herein provided; and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city, and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted, and the amount thereof collected and paid into such fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore in this section provided for the posting of proposals for said work.

Making assessment.

SEC. 51. After such contract has been awarded and entered into, the clerk of the city council shall certify to the city council that fact, together with the total amount of the cost of the same, whereupon the city council shall cause to be forwarded to the commissioners a copy of such certificate; whereupon such commissioners shall proceed to assess the cost of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same, according to the benefits it receives from the work, and in the same manner in which the damages caused by the change of grade were assessed upon the same. Such commissioners in making such assessment shall show the total amount for which each lot or tract is assessed, in excess of all benefits, for the total cost of changing and modifying the grade of the street, as well as the regrading, repaving, sewerage, sidewalking, and curbing of the same, and costs or damages connected therewith. The provisions of Part I of this Act in regard to the mode or manner of the assessment of the cost of such work shall not apply to the work in this part contemplated; neither shall the provisions of this Act in regard to the issuing of bonds to represent the cost of the same, nor the provisions in regard to the right of protest against the work apply.

Assessment roll.

SEC. 52. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, the cost of which shall be provided for by the commissioners, as a portion of the cost of the proceedings therein. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Collecting assessments.

SEC. 53. The superintendent of streets shall thereupon give notice, by publication twice in one or more daily newspapers published and circulated in said city, or city and county, or in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of such delinquent assessment, together with the cost of advertising each delinquent assessment will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "Paid" and the date of payment opposite the respective assessment so paid, and the name of the person by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. After the date of said delinquency no assessment shall be received unless said five per cent together with all costs be paid therewith.

Sale of property.

SEC. 54. The said superintendent of streets shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published twice in one or more daily newspapers published and circulated in such city, or in a weekly newspaper so published and circulated before the day of sale for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. If any assessment together with said penalty and costs be not paid before the time of sale the street superintendent shall proceed to sell and shall sell each lot, piece or parcel of land separately assessed at public auction to the bidder offering to pay the amount due for the least portion of such lot, piece or parcel of land so offered for sale, and shall issue a certificate therefor. If there be no bidder said property shall be struck off to the municipality.

Redemption within year.

SEC. 55. All property sold shall be subject to redemption for one year by the payment of the amount of the assessment, penalty and costs and interest thereon at the rate of ten per cent per annum from the date of sale. The superintendent of streets shall, if there is no redemption, make and deliver to the purchaser at such sale, or his assignee, a deed conveying the property sold, and shall collect for each deed one dollar. The deed of the street superintendent, made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee.

Separate funds.

SEC. 56. The superintendent of streets shall from time to time pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating each fund by the name of the street, square, lane, alley, court, or place for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners or a majority of them.

Notice of damages awarded.

SEC. 57. When sufficient money is in the hands of the city treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such commissioners. Such notification may be made by depositing a notice, postage prepaid, in the postoffice, addressed to his last known place of residence. If, after the expiration of three days after the service or deposit of the notice in the post-office, he shall not have applied for such warrant, the same shall be drawn and deposited with the city treasurer, to be delivered to him upon demand.

Condemnation proceedings.

SEC. 58. If the owner of any premises damaged neglects or refuses, for ten days after the warrant has been placed in the hands of the city treasurer, subject to his demand, to accept the same, the city council may cause proceedings to be commenced, in the name of the city, to condemn said premises, as provided by law under the right of eminent domain. The resolution of intention shall be conclusive evidence of the necessity of the same. Such proceedings shall have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of a special fund in the treasury for that purpose. At any time after the trial and judgment entered, or pending appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from said fund to answer the judgment, and thereupon may authorize or order the municipality to proceed with the proposed work or improvements. In case of a deficiency in said fund to pay the whole assessed judgment and damages, the city council may, in its discretion, order the balance thereof to be paid out of the General Fund of the treasury, or to be distributed by the commissioners over the property assessed by a supplementary assessment; but in the last named case, in order to avoid doing, the city council may advance such balance out of any available fund in the treasury, and reimburse the same from the collection of assessments. The treasurer shall pay such warrants in the order of their presentation, *provided*, that warrants for damages and for costs of performing the work shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money remains in the fund to pay all warrants of the first class before paying any of the second. The provisions of section one thousand two hundred and fifty-one of the Code of Civil Procedure, requiring the payment of damages within thirty days after the entry of judgment, shall not apply to damages rendered in proceedings under this Act. All provisions contained in Parts I and IV of this Act, which provisions are not in conflict herewith, shall apply to all matters herein contained.

PART III.

Serial bonds may be issued.

SEC. 59. The city council of any municipality in this state shall have the power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent the cost of any work or improvement authorized in Part I of this Act.

When and where payable.

SEC. 60. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid.

Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsers of each bond, and the number and amount of each coupon or principal or interest paid by him, and shall cancel and file each coupon so paid.

Notice in resolution of intention.

SEC. 61. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this Act, it shall so declare in the resolution of intention to do said work and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by this Act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, shall be included in the warrant provided for in section twenty-two of this Act.

Notification to treasurer.

SEC. 62. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council as provided in this Act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, as provided in section twenty-five thereof, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as therein stated. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Form of bond.

SEC. 63. Said bond shall be substantially in the following form:

STREET IMPROVEMENT FUND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$ _____ 100.

No. _____

Under and by virtue of an Act of the Legislature of the State of California (title of said Act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ dollars (\$ _____) with interest at the rate of _____ per cent per annum, all as is hereinafter specified, and at the office of the _____ treasurer of the _____ of _____, State of California. This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____, issued by the street superintendent of said _____, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____ county of _____, State of California.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be held for payment otherwise of its principal or interest. The term of this bond is _____ years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest, except the last, which is for interest from the semiannual payment next preceding and to the date of the final maturity of this bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said _____ of _____ this _____ day of _____, in the year one thousand _____ hundred and _____.

City treasurer of the _____ of _____.

Limitation of twenty-five dollars.

SEC. 64. In case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in part one of this Act.

Owner may stop issuance.

SEC. 65. If any person or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land present to the city treasurer his affidavit, made in conformity with the provisions of this Act, of a lot or parcel of land in said list, accompanied by the certificate of a holder of records that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer in writing that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain the right to enforce collection as if said lot or parcel of land had not been so listed by the city treasurer.

Description of bonds.

SEC. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore provided, and shall bear interest at the rate specified in the resolution of issuance to be made and work. They shall have annual coupons attached thereto, payable in annual installments on the second day of January in each year after the date of the bond, said coupons paid, and each coupon shall be for an even annual installment of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at the time said coupon is first of which shall be for the amount of interest accruing from the date of January or July, as the case may be, next preceding the maturity of said bond to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the receipt of the amount of the assessment to the credit of which the same is paid, and said receipt shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereon under this Act.

Penalty for default.

SEC. 67. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been issued, or after it be issued, and payment, either upon the principal, or of the interest, has not been, or shall not be made when the same has become, or shall become, due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Sale of property.

SEC. 68. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer. A like notice shall not less than fifteen days before the day of sale so fixed be served upon any such owner if known, either personally or by depositing the same in the post office at such city, addressed to such owner at his last known address, with postage thereon prepaid.

At any time prior to the sale, the owner or the person in possession of any real estate offered for sale under the provisions of this Act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereof shall be sold at public auction to the bidder offering to pay the amount due on the bond with costs for the least portion of such lot or parcel of land offered for sale.

Treasurer's affidavit.

SEC. 69. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made—which affidavit is prima facie evidence of all the facts stated therein.

Costs and fees.

SEC. 70. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser, as hereinafter provided.

Certificate of treasurer.

SEC. 71. The city treasurer, before delivering any certificate of sale, must, in a book kept in his office for that purpose, enter the date, number and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "Canceled by sale of the property," giving the date of such sale.

Lien on the property.

SEC. 72. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs hereon provided for, with interest thereon at the rate of one per cent per month from the date of sale.

Redemption.

SEC. 73. A redemption of the property sold may be made by the owner of the property or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Recording certificate.

SEC. 74. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "Redeemed", the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Deed to purchaser.

SEC. 75. If the property is not redeemed within the time allowed by the provisions of section seventy-three thereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignee, or agent, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this Act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property, at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice heretofore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service

of such notice and the making of such affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Absolute title.

SEC. 76. The deed, when duly acknowledged or proved, shall be conclusive evidence of all things of which the bond upon which it is based is conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issue of the bond, and conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for state, county, and municipal taxes.

Railroad property.

SEC. 77. Whenever any railroad track or tracks of any description exists upon any street or streets on which the city council has ordered work to be done or improvements made, excepting therefrom such portions as are required by law to be kept in order or repair, by any person or company having railroad tracks thereon, the said council may, at any time thereafter, order such person or company to perform upon said excepted portion the work or improvements similar in all respects to that already ordered to be performed, under the same specifications and superintendence, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon it shall be the duty of the clerk of said council to deliver immediately a copy of such order, certified by him to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company, for thirty days, or within such extension of time as the city council may grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the city council to have such work or improvement performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order such person or company may file with the clerk of said council a written assumption of the performance of said work or improvement, according to the order, or a request to the council to have such work or improvement performed, for and at the expense of such person or company, in the manner herein provided. The failure to file such instrument within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of the direct performance of said work or improvement, the city council shall take no further proceedings in the matter, unless such person or company neglects or fails for thirty days, or such further time as the council may grant, to comply with the provisions of the order. But if such person or company files the said request that the said council have such work or improvement performed, or fails to perform said work within thirty days, or within such further time as the council may grant, then said city council may pass a resolution of intention to perform said work, which resolution shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, the said person or company shall pay the cost of said work, the street superintendent of said city shall issue bonds to represent the cost of said work, stating also that the cost of said work, in case bonds shall issue, shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same shall bear. The subsequent procedure shall be as provided in Part I of this Act. A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of Part I of this Act; also in the resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council, on an appeal, paid the cost of such work, the street superintendent shall issue to the contractor, or his assigns, bonds for the amount of such cost, which shall describe the franchise, tracks, and roadbed along or between which said work has been performed, and describing the same as upon the assessment and diagram, giving its assessment number. Such bonds shall also describe the work performed, giving the total amount of the cost of such work, the name of the owner of said railroad, the number of installments in which the cost of the work is to be paid, and the rate of interest which the deferred payments shall bear. Said bonds shall be in the sums of not less than one hundred dollars or more than one thousand dollars, and shall recite the total amount of the cost of such work, together with the interest thereon, as represented in said bonds, is, except state, county, and municipal taxes, a first lien upon all the track, roadbed, switches, and franchises of said railroad lying within the corporate limits of the city on any part of which said work has been performed. Said street superintendent shall also keep a record of such bonds. Whenever bonds have been issued, as herein provided, the same, together with the cost of such work and the interest thereon, shall be, except state, county, or municipal taxes, a first lien upon all the tracks, roadbed, switches, and franchises of said railroad within the corporate limits of the city or town, on any part of which said work has been performed. The sections of this Act, regarding the form, issuance, and foreclosure of street bonds, and the sale of property described therein, shall apply hereto.

No protests.

SEC. 78. None of the provisions of Part I of this Act in regard to a protest against the work shall apply to any work contemplated by the preceding section. All provisions of Part I of this Act not inconsistent with the provisions hereof shall apply hereto.

PART IV.

Definitions.

SEC. 79. *First*—The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Second—The words "work", "improve", "improved" and "improvement", as used in this Act shall include all work mentioned in this Act, and also the construction, reconstruction and repairs, of all or any portion of said work.

Third—The term "incidental expenses," as used in this Act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising as provided in this Act; also, the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this Act; also the expenses of making the assessment for any work authorized by this Act, and of printing and preparing any serial bonds authorized under this Act. All demands for incidental expenses mentioned in this subsection shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth—The notices, resolutions, orders or other matter required to be published by the provisions of this Act, shall be published in a daily newspaper, in cities where such there are, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city, except where herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this Act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice" as used in this Act, referring to the number of times notices, resolutions or other matters shall be published, shall be held to mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

Fifth—The word "municipality" and the word "city" as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved" or "repaved," as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the city council shall adopt.

Seventh—The word "street" as used in this Act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term "main street" means such actually opened street or streets as form a block; and the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Eighth—The term "street superintendent" and "superintendent of streets", as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Ninth—The term "city council" is hereby declared to include anybody or board which, under the law, is the legislative department of the government of any city.

Tenth. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh. The terms "clerk" and "city clerk" as used in this Act, are hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth. The term "quarter block" as used in this Act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Thirteenth. The term "one year" as used in this Act, shall be deemed to include the time beginning with January first and ending with the thirty first day of December of the same year.

Hearings

SEC. 80. Whenever in proceedings hereunder, a time and place for hearing by the city council is fixed, and from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the city council in the premises shall not thereby be divested or lost, but the city council may proceed anew to fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five days before the date of the hearing, and thereupon the city council shall have power to act as in the first instance.

Publication and posting.

SEC. 81. Whenever any resolution, order, notice, or determination is required to be published or posted, and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer of the city it shall be the duty of the city clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting, or procuring the publication or posting, of any resolution, notice, order or determination hereunder when the same is actually published or posted for the time herein required.

Construction of Act.

SEC. 82. This Act shall be liberally construed to the end that its purposes may be effective. No error, irregularity, informality, and no neglect or omission of any officer of the city, in any procedure taken hereunder, which does not directly affect the jurisdiction of the city council to order the improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done hereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the city council as herein provided.

Saving clause.

SEC. 83. All Acts and parts of Acts in conflict herewith are hereby repealed, *provided, however,* that any and all proceedings heretofore commenced under any Act repealed or affected by this Act may nevertheless be continued and completed under the Act so repealed or affected hereby according to the provisions thereof, and such proceeding and the assessments levied or bonds issued thereunder may be enforced and collected as therein provided; *and provided, further,* that this Act shall not be deemed to repeal or affect either of the following Acts: The Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, also, for the eradication of certain weeds within city limits", approved March 11, 1893, and the Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901'", which became a law under constitutional provision without the Governor's approval, February 26, 1901, and the Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, construction or completion thereof", which became a law under constitutional provision without the Governor's approval, February 25, 1901, and the Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places, in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby", approved March 21, 1905, and the Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby", approved April 21, 1909, and the Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities", approved April 21, 1909.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1030 (Committee Substitute for) — An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 1030.

An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the water supply owned by any city, incorporated town, county, or city and county, is in excess of the amount required to supply the water required by the inhabitants thereof, it may be declared by ordinance that such excess exists, and such excess of water may be sold outside of the limits of the corporation; but in no case shall a contract be made for a supply of any excess of water sold by a city, incorporated town, county, or city and county, outside the corporate limits, for a period longer than one year; and in no case shall such a contract be made, unless the legislative authority of a city, incorporated town, county, or city and county, declare by ordinance that there exists an excess of water not required to supply the inhabitants of the city, incorporated town, county, or city and county, within the term of the contract, but water not required to supply the inhabitants of the city, incorporated town, county, or city and county, may be sold by the authorities thereof outside the corporate limits, from month to month, during the existence of such excess, and shall be sold only at the rates fixed for consumers inside the corporate limits, *provided, however*, that the terms of this Act shall not apply to any city, or city and county, having a charter framed and adopted under the authority of Section 8 Article XI of the Constitution of the State, and which charter contains provisions inconsistent herewith.

SEC. 2. An Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897, is hereby repealed.

Committee substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1132 (Committee Substitute for) — An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory", approved March 19, 1889, and to add a new section thereto to be designated as Section 1).

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 1132

An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory, for the payment of indebtedness of such municipalities.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, is hereby amended to read as follows:

Section 1. The boundaries of any incorporated town or city, whether heretofore or hereafter formed, incorporated, reincorporated, organized, or reorganized, may be altered and new territory annexed thereto, incorporated and included therein,

and made a part thereof, upon proceedings being had and taken as in this Act provided. The council, board of trustees, or other legislative body of any such municipal corporation, upon receiving a written petition therefor containing a description of the new territory asked to be annexed to such corporation, and signed by not less than one fifth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, submit to the electors of such municipal corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such new territory shall be annexed to, incorporated in, and made a part of said municipal corporation. Such question shall be submitted at a special election, to be held for that purpose, and no other; and such legislative body is hereby empowered to, and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper printed and published in such municipal corporation, and also in a newspaper, if any such there be, printed and published outside of such corporation, but in the county in which the territory so proposed to be annexed is situated, in each case at least once a week for a period of four successive weeks next preceding the date of such election. Such notice shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof; and in said notice the qualified electors of said municipal corporation, and the qualified electors residing in said territory so proposed to be annexed, shall be invited to vote upon such proposition by placing upon their ballots the words "For annexation" or "Against annexation," or words equivalent thereto. Such legislative body is hereby empowered, and it shall be its duty, to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in such territory so proposed to be annexed, and also in such municipal corporation. And such place or places shall be that or those commonly used as voting places within such municipal corporation, and also that or those commonly used within such new territory, if any such there be. Such legislative body is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such municipal corporation, and for each voting place in said new territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as far as may be, with the general laws of this State concerning elections, and the judges and inspectors of such election shall immediately on the closing of the polls, count the ballots, make up and certify the tally sheets of the ballots cast at their respective polling places, seal, and then immediately return the same as below provided, doing so, as nearly as practicable, in the manner provided in the election laws of this State; but the ballots, tally sheets, and returns shall be so returned to and deposited with the clerk of such legislative body. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event as soon as practicable, avoiding adjournment or adjournments, if possible, until said canvass is completed. Such canvass by such legislative body shall be conducted and completed as follows: The returns of the votes cast in said outside territory, so proposed to be annexed shall be canvassed separately; and the returns of the votes cast inside of said municipal corporation shall be canvassed separately. Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, showing the whole number of votes cast in such outside territory, the whole number of votes cast in such municipal corporation, the number thereof cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all the votes cast in such outside territory, and a majority of all the votes cast inside of said municipal corporation, are in favor of annexation, the clerk, or other officer performing the duties of clerk, of such legislative body, shall promptly make and certify, under the seal of said municipal corporation, and transmit to the Secretary of State a copy of said record so entered upon said minutes, together with a statement showing the date of said election and the time and result of said canvass, which document shall be filed by the Secretary of State immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of

such municipal corporation contracted prior to or existing at the time of such annexation, excepting as provided in section one *a* of this Act. No territory which, at the time such petition for such proposed annexation is presented to such legislative body, forms any part of any incorporated town or city, shall be annexed under the provisions of this Act.

SEC. 2. A new section is added to said Act and designated section one *a*, immediately following section one of said Act, and to read as follows:

Section 1*a*. Whenever any municipal corporation to which it is proposed to annex territory under the provisions of this Act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition presented to the legislative body of such municipal corporation, as hereinabove provided, may contain a request that the question to be submitted to the electors of such municipal corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation, shall be, whether such new territory shall be annexed to, incorporated in, and made a part of, said municipal corporation, and the property therein be, after such annexation, subject to taxation, equally with the property within such municipal corporation, to pay any bonded indebtedness of such corporation, outstanding at the date of the election to be called in pursuance of such petition, or theretofore authorized, and to be represented by bonds thereafter to be issued, incurred, or to be incurred for the acquisition, construction or completion of any such municipal improvement or improvements, specified in said petition. If such request shall be made in said petition proceedings shall be had thereon the same in all respects as upon a petition presented under the provisions of the preceding section, excepting that the notice of election shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of, such municipal corporation, the territory sought to be annexed, specifically describing the boundaries thereof, and that the property therein, shall, after such annexation, be subject to taxation, equally with the property within such municipal corporation, to pay the bonded indebtedness of such municipal corporation, outstanding at the date of the said election, or theretofore authorized, and to be represented by bonds thereafter to be issued, incurred or to be incurred for the acquisition, construction, or completion of the municipal improvement or improvements mentioned in the petition presented to the said legislative body, distinctly specifying such improvement or improvements. The said notice shall, in addition, distinctly state the original amount or amounts of such indebtedness, and the amount or amounts of such indebtedness which will be outstanding at the date set for such election, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued and the rate of interest payable on such indebtedness; and upon the canvass of the returns of the votes cast at any election held under the provisions of this section, if it shall appear that two thirds of all the votes cast in such outside territory, and a majority of all the votes cast inside of said municipal corporation, are in favor of annexation, and not otherwise, a copy of the record of such canvass shall be transmitted to the Secretary of State in the same manner as provided in the preceding section. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed, shall be deemed, and shall be, complete, and thenceforth such annexed territory shall be, to all intents and purposes a part of such municipal corporation, and the property within such annexed territory shall be taxed to pay the bonded indebtedness or liability of such corporation, specified in said notice, equally with the property within such municipal corporation as it existed prior to such annexation.

Committee substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1133 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, and by amending section four thereof.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1433.

An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, is hereby amended by adding thereto a new section, to be designated as Section 2a, to follow Section 2 of said Act, and to read as follows:

Section 2a. Whenever any one or more, or all, of the municipal corporations proposed to be consolidated under the provisions of this Act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition provided for in Section 2 of this Act, may contain a request that the question to be submitted to the electors of such municipal corporations shall be whether such municipal corporations shall become consolidated as heretofore provided, and the property in any one or more, specified in said petition, of such municipal corporations, be after such consolidation, subject to taxation, equally with the property in any other one or more, specified in said petition, of said municipal corporations, to pay any bonded indebtedness, specified in said petition, of said other municipal corporations, or corporations, outstanding at the date of the election to be called in pursuance of such petition, or theretofore authorized and to be represented by bonds thereafter to be issued, incurred or to be incurred for the acquisition, construction or completion of any municipal improvement or improvements, specified in said petition. If such request shall be made in said petition, proceedings shall be had thereon, the same in all respects as upon a petition presented under the provisions of the preceding section, excepting that the notice of election shall, in addition to the matters required by the preceding section, distinctly state that it is proposed that the property within such of said municipal corporations as it may be proposed in said petition shall be taxed to pay the bonded indebtedness of any other one or more of such municipal corporations proposed to be consolidated, shall, after the date of such election, be taxed equally with the property within the municipal corporation originally incurring, or authorizing the incurring of such bonded indebtedness, to pay the bonded indebtedness of such last mentioned municipal corporation or corporations, outstanding at the date of such election, or theretofore authorized and to be represented by bonds thereafter to be issued, incurred, or to be incurred, for the acquisition, construction, or completion of the municipal improvement or improvements mentioned in the petition presented as hereinabove provided, distinctly specifying such improvement or improvements, and which of such municipal corporations it is proposed shall be taxed to pay such indebtedness. The said notice shall, in addition, distinctly state the original amount, or amounts, of such indebtedness, and the amount of such indebtedness which will be outstanding at the date set for such election, and the amount of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the rate of interest payable on such indebtedness, and upon the canvass of the returns of the election held in pursuance of such notice, as hereinabove provided for, if it shall appear that two thirds of all the votes cast in each municipal corporation, which in said notice it is proposed shall, after consolidation, be subject to taxation to pay any portion of any bonded indebtedness of any other of the said municipal corporations proposed to be consolidated, shall be in favor of such consolidation, and that a majority of the votes cast in each of the other municipal corporations so proposed to be consolidated shall be in favor of consolidation, and not otherwise, the same proceedings shall be had as in the preceding section it is provided shall be taken when a majority of the votes cast in each such municipal corporation shall be in favor of such consolidation, and such consolidation shall be deemed to be completed in the same manner, and with the same effect, as in said section provided. After the completion of the consolidation of such municipal corporations as hereinabove provided, the territory in each of said municipal corporations which, in said petition and notice, it was proposed should be taxed to pay any specified bonded indebtedness of any other of said municipal corporations so consolidated, shall, thereafter, be taxed equally with the property within the municipal corporation originally incurring, or authorizing the incurring of, such bonded indebtedness, for the payment of such specified indebtedness.

SEC. 2. Section 4 of said Act is hereby amended to read as follows:

Section 4. That no property in any of the municipal corporations consolidated under the provisions of this Act, shall ever be taxed to pay any portion of any indebtedness or liability of any of the other such municipal corporations, contracted or incurred prior to or existing at the time of such consolidation, unless the proceedings for such consolidation shall have been had in accordance with the pro-

visions of Section 2a of this Act, in which event the property in such municipal corporations shall be taxed as provided in said section. The legislative body of any consolidated municipal corporation, consolidated under the provisions of this Act, shall provide for the payment of the indebtedness or liability of each of the municipal corporations consolidated therein, and shall levy and collect the necessary taxes therefor, and for that purpose, and for all other purposes, such consolidated municipal corporation and its officers, shall be deemed the successor and successors of such municipal corporations so consolidated and their respective officers.

Committee substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1155—An Act entitled "An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications."

During the second reading of the bill, the following amendment was submitted by committee:

On page 1, title, line 2, strike out the words "Entitled an Act".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the words "Entitled an Act".

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the word "providing", and insert in lieu thereof the following: "provided".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At two o'clock and ten minutes p. m., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SECOND READING OF SENATE BILLS—(OUT OF ORDER)—(RESUMED).

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, in line 11, after the word "State," strike out the comma and in lieu thereof insert a period.

Amendment adopted.

Also:

On page 1, lines 11 and 12, strike out the words "which shall be certified to the State Treasurer as the amount necessary for school purposes."

Amendment adopted.

Also:

On page 2, line 3, after the word "The," and before the words "state treasurer," insert the words "state controller and."

Amendment adopted.

Also:

On page 2, line 7, strike out the word "certified", and in lieu thereof insert the word "estimated."

Amendment adopted.

Also:

On page 2, Section 3, line 3, strike out the period after the word "system," and add the following: "and all money derived by any other existing law and now expended for the support of the common schools, shall be so expended in addition to the moneys provided for in section four hundred forty-three of this Code".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code of the State of California, relating to the State High School Fund.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, in lines 16 and 17, strike out the words: "This amount the State Controller, between the dates above given, must certify to the State Treasurer."

Amendment adopted.

Also:

On page 2, in line 18, after the word "The", and before the words "State Treasurer", insert the words "State Controller and".

Amendment adopted.

Also:

On page 2, in line 23, strike out the word "certified", and in lieu thereof insert the word "estimated".

Amendment adopted.

Also:

On page 2, in line 23, after the word "controller", insert a period.

Amendment adopted.

Also:

On page 2, lines 23 and 24, strike out the words "after deducting the proportionate share of expenses of collecting the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustained net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of page 2, Section 2, line 4, the word "Butte".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, line 40, of printed bill, after the word "town", add the following: "Any such franchise shall be granted only upon the express condition that the grantee thereof will pay to the county for the benefit of the general fund thereof an amount equal to the cost of the improvement or construction of such portion of the roadbed or highway constructed or improved under the provisions of this Act as shall be occupied by the track or tracks of such railroad, electric road or street railroad."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of Assembly bills was taken up.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

On motion of Senator Cutten, Assembly Bill No. 355 was passed, to be placed at the foot of the file.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to pro-

vide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this act," approved March 20, 1905.

On motion of Senator Boynton, Assembly Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

On motion of Senator Thompson, Assembly Bill No. 269 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Wright, Assembly Bill No. 473 was temporarily passed on file, to retain its place.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

On motion of Senator Curtin, Assembly Bill No. 518 was temporarily passed on file, to retain its place.

Assembly Bill No. 388—An Act to amend section three hundred forty-nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Bill read third time.

On motion of Senator Lewis, Assembly Bill No. 388 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 111 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By inserting in Section 1, line 5, after the word "fund", the following: "and for other educational purposes".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 111, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Gates, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, with title amended, Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, division third, of said Code in place thereof, relating to negotiable instruments—and respectfully request your honorable body to concur in the same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 473?"

Amend the title by striking out all of that part which follows the word "instruments", where it first appears.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 473 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Cannetta, Campbell, Cartwright, Cassidy, Gates, Hare, Hewitt, Holoan, Hurd, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 473 ordered to enrollment.

MOTION.

Senator Setson moved that Committee Substitute for Senate Bill No. 512 be re-referred to Committee on Judiciary, and to retain its place on file.

Motion carried.

Senate Bill No. 512 ordered re-referred to the Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Juilliard asked for, and was granted, unanimous consent to take up Senate Bill No. 959 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Hurd, as a special committee of one, to amend as follows:

By adding to Section 2, after line 22, page 2, of printed bill, the following words: "Provided, further, that nothing in this Act shall apply to or refer to any voluntary patient confined or kept in any state hospital of this state".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 959, with instructions to amend, respectfully reports the same back, amended as per instructions.

H. R. D. CORRECTION.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials—and report that the same has been engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 23 ordered transmitted to the Assembly.

SPECIAL APPROPRIATION FILE—OUT OF ORDER.

On motion of Senator Boynton, the special appropriation file was taken up for consideration, out of order.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 432 was passed to be placed at the foot of the file.

Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 90, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 85, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 84, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 89, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

On motion of Senator Campbell, Senate Bill No. 95 was temporarily passed on file, to retain its place.

Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 94, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 93, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, the word "said", and inserting in lieu thereof the following: "the California Polytechnic".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No 91, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Regan, Rush, Shanahan, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Finn, Hare, Hewitt, Hurd, Lewis, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 227—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Senators, Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hewitt, Holohan, Juilliard, Lewis, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Read third time.

On motion of Senator Campbell, Senate Bill No. 377 was temporarily passed on file, to retain its place.

Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Regan, Rush, Shanahan, Thompson, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. P. Sawyer against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Gates, Hare, Hare, Hewitt, Hurd, Juilliard, Regan, Rush, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Regan, Rush, Shanahan, Strobebridge, Thompson, Walker, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 381 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Finn, Gates, Hare, Hewitt, Holohan, Lewis, Regan, Rush, Sanford, Shanahan, Strobebridge, Thompson, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Caminetti, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Hurd, Lewis, Regan, Rush, Sanford, Shanahan, Thompson, Walker, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 933 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Gates, Hans, Hare, Hewitt, Lewis, Regan, Rush, Sanford, Shanahan, Thompson, Walker, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Caminetti asked for, and was granted, unanimous consent to recall from the Committee on Prisons and Reformatories, Assembly Bills Nos. 121, 123, 125, 126, 127, 129, and 130.

LEAVES OF ABSENCE.

Senator Regan was, on his own motion, granted leave of absence for the remainder of this day.

Senator Cassidy was, on his own motion, granted leave of absence for the remainder of this day.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 916 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Hurd, Regan, Sanford, Shanahan, Strobridge, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hans, Hare, Hurd, Larkins, Regan, Sanford, Shanahan, Strobridge, Thompson, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Regan, Sanford, Shanahan, Strobridge, Thompson, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

On motion of Senator Caminetti, Senate Bill No. 156 was temporarily passed on file, to retain its place.

Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1031 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Sanford, Shanahan, Strobridge, Thompson, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cullen, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Sanford, Shanahan, Strobridge, Thompson, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279—An Act to establish the California scenic high-

way; to define its course; to provide for its supervision, construction repair and maintenance and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Cammetti, Campbell, Cartwright, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Sanford, Shanahan, Strobridge, Thompson, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Bills announced that Assembly Bill No. 775 is identical with Senate Bill No. 705, and moved that Assembly Bill No. 775 and Senate Bill No. 705 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 775 and Senate Bill No. 705 ordered referred to Committee on Engrossment and Enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 1029 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 10, the words "for any such use".

Also: By inserting in Section 1, line 11, immediately after the word "corporation," the words "and is for a tramway, steam, electric or other railroad,".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1029, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 966—An Act to provide for the purchase of filing

cases in the office of the Department of Engineering and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 966 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cutten, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Shanahan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Senate Bill No. 946 for consideration, out of order.

Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 946 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Gates, Hans, Hare, Hewitt, Larkins, Lewis, Sanford, Shanahan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Senate Bill No. 891 for consideration, out of order.

Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural or other lands, and providing for the protection of land and property against fires, and providing a punishment for violation of the provisions thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 891 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Gates, Hans, Hewitt, Hurd, Larkins, Lewis, Sanford, Shanahan, Strobridge, Thompson, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER.)

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 570 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Hoin against the State of California.

Also: Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Also: Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also: Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Also: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Also: Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Also: Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Also: Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Also: Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also: Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also: Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Also: Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Also: Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Also: Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 1119, 1120, 1121, 914, 929, 1234, 254, 258, 1113, 1114, 1115, 1116, 1117, and 1118 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1040 for consideration, out of order.

Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1040 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hans, Hurd, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Cullen, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 943 for consideration, out of order.

Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Sanford, Shanahan, Strohbridge, Thompson, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hans asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 19 for consideration, out of order.

SENATE JOINT RESOLUTION NO. 19.

Relative to the United States Life Saving Service.

WHEREAS, There is now pending before the House of Representatives of the United States, Senate Bill No. 5677, entitled "A bill to promote the efficiency of the life saving service"; which said bill designs to create a retirement list of such men who have been in the service for thirty years; or who have become disabled in the performance of their duty; and to establish greater efficiency in the service; and

WHEREAS, The State of California, having the longest coast line of any state in the Union, has had many examples of the self sacrificing deeds of the members of the service who are housed in the stations along her coast; and

WHEREAS, The Legislature of the State of California recognizes the urgent need of maintaining the high efficiency of the life saving service; and also recognizes the urgent need of congressional action looking to the future welfare of the service; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That we fully approve of the objects of the said Senate Bill No. 5677 and recommend its passage by the House of Representatives during the present session of Congress; and be it further

Resolved, That upon the passage of this resolution the Secretary of the Senate be directed to forward a copy hereof to the House of Representatives of the United States, and a copy to each of California's Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Shanahan, Strohbridge, Thompson, Welch, Wolfe, and Wright—22.

NOES—None.

Senate Joint Resolution No. 19 ordered engrossed and transmitted to the Assembly.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned until Monday, February 27, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 27, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Sensors Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estrudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 24, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to M. Wissner and Thomas Hughes, both of Los Angeles.

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Russ Avery, of Los Angeles, and C. H. Windham, of Long Beach.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Cassidy, granted leave of absence for the forenoon of this day.

Senator Bills was, on motion of Senator Walker, granted leave of absence for this day.

Senator Martinelli was, on motion of Senator Juilliard, granted leave of absence for this day.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

To the Honorable Legislature of the State of California:

The undersigned, after a very careful analysis of the subject and a personal inspection of all possible sites for the Panama-Pacific International Exposition or World's Fair, does hereby, in behalf of the citizens and residents of the city and county of San Francisco, the State of California, and the visitors from all over the world, call attention to the plateau in the northwest section of the city, which affords and commands one of the most magnificent and unobstructed views of natural beauty, north, south, east and west, possible for mortal eyes to behold, embracing a special dispensation of a Divine Providence, the resurrection and uplifting from our ashes the dawn of a new era, the glories of the morning rising, midday and gorgeous evening setting of the sun, the soul inspiring sight of the broad bosom of the mighty Pacific Ocean, the Farallone Islands, Point Reyes, Land's End, Mile and Diablo Cross Rocks, Bakers Beach, Fort Point, Lime Point, Point Bonita, the light houses, our beloved Golden Gate outlined with white waves, all vessels arriving and departing with their canvases and smoke offset with the clouds beyond, naval reviews and displays, Mount Tamalpais, the bristling battlements, guns and grounds of fortresses Miley, Barry, Baker and the Presidio, with their target practices by day and drills with powerful searchlights through the shades enlivened with the moon and stars in the heavens above at night, the busy bay of San Francisco, the islands of Yerba Buena, Alcatraz and Angel, the villages and cities of Sausalito, Tiburon, Berkeley, Oakland, Alameda and Fruitvale, Mount Diablo, the Coast Range and Santa Cruz mountains, Sutter Heights and baths, the Cliff House, Seal Rocks, Ocean Boulevard, chateau and resorts, Mussel Rock, Golden Gate Park, Spreckels and the Chain of Lakes, Strawberry Hill, etc., Lake Merced, Twin Peaks, Lone Mountain, Buena Vista Park, the statue of Liberty, Sutter Forest, Parnassus, Ashbury, Glenview, Bernal, Presidio and Pacific Heights, Rincon, Russian and Telegraph hills, harbor, marine and bay views and all over what is destined by our united mental, physical and financial efforts and sacrifices to be the imperial city of, not only the Golden West, but, the whole earth, and, herewith suggests and submits the outline of plan that the United States military reservation, known as Fort Miley (for governmental, army and naval receptions, exhibitions and purposes) and Lincoln Park (for the administration and other principal and permanent buildings, etc.) be used as the nucleus therefor and the apex thereto, which with Sutter Heights and baths and all land west of Thirty-third avenue and north of Fulton street to the water's edge will furnish all needed space for the buildings, etc., and, in case of necessity allow the additional strip east of Twentieth avenue from B to Fulton streets, or Bakers Beach to be included, and in conjunction therewith present and afford the Golden Gate Park as "Our Parlor" and play grounds and its use exclusively for sports and pleasures, the Ocean Boulevard (broadened with a concrete wall from the Cliff House to the Chateau or The Point, with cement broadwalks, settees and adorned with statues, etc.) for promenades, the ocean beach for the children to "wade," "paddle," "puddle" and make "mud pies," and with the bluffs to fish from, picnic, dream, "spoon," walk, ramble and drive upon and around, will give us the most practical, accessible, economical, ideal and best site upon which to erect the new monument in the record of time and blaze and blazon forth the new path for the generations to come hereafter, and, in that behalf, sincerely requests your personal inspection, good offices and assistance of self and friends in the people's big fight to have the same selected for the site on the heights and to make what will be noted as the greatest fair in the history of the whole world.

Very truly yours,

R. S. AMMEN.

San Francisco, California, February 14, 1911.

Also:

SAN FRANCISCO, CAL., February 23, 1911.

To the Honorable the Lieutenant Governor, and Senators, of the State of California:

GENTLEMEN: Lincoln Post No. 1, Department of California and Nevada, G. A. R., hereby memorialize and respectfully petition your honorable body to vote for and pass Senate Bill No. 56, appropriating the sum of \$100,000 for the construction and equipment of a building or buildings for the use of wives and widows of dependent honorably discharged Union soldiers, sailors, and marines.

The states of Iowa, Illinois, Indiana, Wisconsin, Minnesota, Nebraska, and many others have appropriated sums not less than one hundred thousand dollars for similar purposes, and we feel that the great State of California should get in line, in caring for and housing the wives and widows of veterans of the Civil War. Our State has liberally provided for disabled veterans, but the aged wife is left to care for herself, while the husband goes sadly to the home, separated from his life companion for whom he has provided for a half century. The Old Guard, composed of more

than six thousand veterans in this State, appeal to your intelligence and patriotism and earnestly request your favorable action on said bill.

Passed by unanimous vote of Lincoln Post and respectfully submitted for your consideration.

FREDERICK STANLEY,

Commander.

C. J. HANDLEY, Adjutant.

[SEAL]

Also:

RESOLUTION OF THE WILMINGTON CHAMBER OF COMMERCE.

WILMINGTON, CAL., February 21, 1911.

WHEREAS, The city of Los Angeles has voted \$3,000,000 in bonds for the development of its harbor and has pledged to vote \$7,000,000 more in the next ten years; and

WHEREAS, The city of Los Angeles is asking no financial aid from the State in developing of its harbor, but is only seeking authority to develop said harbor at its own expense and under municipal control; and

WHEREAS, There is now pending before the Legislature bills introduced by Senator Hewitt, the purpose of which is to give the city of Los Angeles complete control over the public tide lands around its harbor in order to bring about such municipal control and development; be it

Resolved by the Wilmington Chamber of Commerce, That this chamber urges the passage of the said Hewitt bills in order that the city of Los Angeles may proceed with its harbor plans without delay.

WILMINGTON CHAMBER OF COMMERCE.

By F. S. CARY, Secretary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Also: Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 198 and 903 read first time.

Assembly Bill No. 198 ordered referred to Committee on Judiciary.

Assembly Bill No. 903 ordered referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerk, being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

Also: Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of state officers and judges.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendments Nos. 33 and 46 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Also: Senate Bill No. 253—An Act to repeal Section 632*b*3, sometimes designated as Section 632(3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Also: Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as Section 626*p*, relating to the protection of beaver.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 116, 241, 253, and 740 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 19—Relative to the United States Life Saving Service.

Also: Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Also: Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Also: Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769*a* of the Political Code, and to add a new section to the Political Code, to be numbered 3714*a*, relating to revenue and taxation.

Also: Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522*a*, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Also: Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Also: Committee Substitute for Senate Joint Resolution No. 12—Relative to the exclusion of Asiatic immigration.

Also: Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and

restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 610, 611, 936, 1008, 1076, 403, 443, 444, 660, and 703 ordered on file for third reading.

Senate Joint Resolution No. 19 and Committee Substitute for Senate Joint Resolution No. 12 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Also: Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 900 and 894 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties" and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

And: Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River known as "Newtown Jetties" and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907—for comparison.

And report that the same have been found identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 705 and Assembly Bill No. 775 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 705—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907—was considered withdrawn.

And: Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907—ordered on second-reading file of Assembly bills.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 13 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 293—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending sections one and two thereof.

Also: Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Assembly Bills Nos. 293 and 1067 ordered on file for second reading

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of the city at a special municipal election held therein for that purpose on the 31st day of January, 1911—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Assembly Concurrent Resolution No. 15 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 1141 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 955. An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Finance.

REHILL, Chairman.

Assembly Bills Nos. 85, 88, 90, 93, 581, and 955 ordered re-referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, FEBRUARY 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 317. An Act to amend section nine hundred and forty-eight of the Penal Code of the State of California, relative to the examination of the books, records and accounts of county officers, and the appointment of jurors by grand juries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 317 ordered on file for second reading.

RESOLUTION.

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the mailing clerk of the Senate is exhausted; therefore, be it

Resolved, That the State Controller be, and he is hereby directed, to draw his warrant in favor of the Secretary of the Senate for the sum of one hundred dollars for expressage and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT, Chairman.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Cammetti, Campbell, Cartwright, Cassidy, Curtin, Gates, Hans, Hewitt, Holohan, Juillard, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, and Welch—27.

NOES—None.

PRESENTATION OF BILLS, ETC.

Senator Shanahan offered, and sent to the desk for introduction, a bill.
Bill ordered referred to Committee on Introduction of Bills.

Senator Thompson offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

COMMUNICATIONS.

Senator Boynton presented the following communication, which was read and referred to the Committee on Elections and Election Laws.

SAN FRANCISCO, February 25, 1911.

Senator A. E. Boynton, Chairman Subcommittee Elections and Election Laws:

DEAR SIR: Please withdraw my contest, *Searcy vs. Regan*, which is now under consideration before your honorable committee.

In withdrawing, I do so, knowing my position before your honorable committee, and do so without prejudice to Senator D. P. Regan.

Yours respectfully,

THOMAS M. SEAREY, Contestant.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Also: Senate Bill No. 791—An Act to add to the Penal Code of the State of California two sections, to be numbered Section 654*b* and Section 654*c*, prohibiting any person, firm or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

Also: Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase, may be made and filed.

Also: Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Also: Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Also: Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Also: Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810*a*, relating to conveyances by guardians.

Also: Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Also: Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

CURTIN, Vice-Chairman.

Assembly Bills Nos. 929, 786, 499, 382, 407, 408, 409, 472, and 1304 ordered on file for second reading.

Senate Bill No. 791 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681*a*.

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Also: Senate Bill No. 1153—An Act to add a new Section to the Code of Civil Procedure to be numbered Section 391.

Also: Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

CURTIN, Vice-Chairman.

Assembly Bills Nos. 1096, 1097, 497, 501, 504, and 505 ordered on file for second reading.

Senate Bills Nos. 1153 and 1171 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Committee Substitute for Senate Constitutional Amendment No. 5 read.

SPECIAL ORDER SET.

Senator Hewitt moved that the further consideration of the Committee Substitute for Senate Constitutional Amendment No. 5 be made a special order for Wednesday, March 1, 1911, immediately after the reading of the Journal.

Motion carried.

PRESENTATION OF BILLS, ETC.—(OUT OF ORDER).

Senator Welch offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367d.

Also: Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 502 and 504 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a

special election held therein February 14th, A. D. 1911—have had the same under consideration, and respectfully report the same back and recommend that it be adopted as amended.

HURD, Chairman.

Senate Concurrent Resolution No. 15 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Also, Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Also, Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

STROBRIDGE, Chairman.

Assembly Bills Nos. 946 and 108 ordered on file for second reading.

Senate Bill No. 954 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STROBRIDGE, Chairman.

Senate Constitutional Amendment No. 36 ordered on file.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Charles G. Lamberson and Alfred Daggett, of Visalia.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Ed Simpson, of Pacific Grove.

PETITION (OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to introduce the following petition, which was ordered printed in the Journal:

BELLINGHAM, WASH., February 23, 1911.

To the Senate of the State of California:

Your petitioner respectfully represents that reforms in these days of modern civilization are not consummated by loud declamation and bitter invective, but rather by an appeal to common sense and reason. Imagination is the pilot which has led every onward march of our material, civic and political advance, and this all important element bodies forth in the form of poetry. I petition your honorable body to employ the sentiment expressed in the following lines in your noble efforts to protect American civilization against oriental invasion:

SHALL HISTORY BE REPEATED HERE IN OUR UNITED STATES.

By Florence Louise Hoag.

This sullen, angry, alien blood
Mixed in our veins will rule;
If we with folded hands sit down,
Bestir yourself, ye tool,
In grip of greed, ye slow of heart;
God's laws are fixed and sure,
Shall we amalgamate this mass
Or keep our heart's blood pure?
Shall we turn back the wheels of time?
Must progress wait for years
Till right can rise and gain control
Through blood and many tears?

When from that cradle in the east
Our white race westward marched;
We made to blossom with the rose
The deserts dry and parched,
We drained the swamps and felled the trees
And savage beast and man
Gave way before the onward march
Of leaders of our van,
With hope sublime our feet have trod
Where angels' garments trail,
Our eyes the sunlit summits view
Shall this age see us fail?

Greece reached her heights in frugal days
But conquests brought the slave,
These slaves and wine and luxuries
Made weaklings of her brave,
What cared this mixed blood for her creeds
Poetry in marble dressed?
Its demagogues caused inward strife
And traitors did the rest,
Republic Rome, too, fell a prey
To politicians bold,
With talons fierce, the toiling poor,
They crushed like harpies old.

Deluded Rome! Her empire rose
But to "decline and fall,"
Her splendid crimes in church and state
Had undermined the wall,
Whose toil paid for her palaces
And glittering excess?
Her foreign slaves and humble sons
Were robbed without redress,
Her privileged taxed her middle class;
Manipulated law,
(Extremes of wealth and poverty,
No favored class, can awe.)

Blind, wanton leaders! They, their own
 And country's downfall wrought;
 When o'er the Danube armed Goths
 On infamous terms were brought.
 These Gothic hordes had begged to guard
 The empire's northern parts.
 Fair words of love were on their lips
 And hatred in their hearts.
 Soon swept their fierce king, Alaric,
 With fire and blood each home
 Licentious furies reigned; when he
 With famine unlocked Rome.

The savage Vandal, Genserik,
 Destroyed Rome's fleet and turned
 Her seas to blood. His title,
 "Tyrant of the Sea," he earned.
 His northern ally, Attila,
 The awful "Scourge of God,"
 Made boast that never more grew grass
 Where once his horse had trod.
 The young, the old; the rich, the poor,
 All drank Rome's cup of woes;
 Filled up to overflowing by
 Her barbarian foes.

No country's government can stand
 That fails to realize
 That her backbone and sinews in
 Her native toiler lies.
 Whose toil pays for our palaces
 And glittering excess?
 Whose greed takes toll from hunger's bread?
 Can justice give redress?
 Much old-world flotsam, east and west,
 Is washed in through our gates.
 Shall history be repeated here
 In our United States?

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

On motion of Senator Curtin, Assembly Bill No. 781 was temporarily passed on file, to retain its place.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 355 finally passed by the following vote:

AYES—Senators Beban, Bell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the

filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 37 finally passed by the following vote:

AYES—Senators Reban, Bell, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

NOES—Senators Caminetti, Hare, and Regan—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Caminetti arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I register my vote against the passage of Assembly Bill No. 37, for the reason that the Legislature has at this session adopted, and will submit to the people, a proposed "initiative and referendum" amendment to the Constitution under the provisions of which friends of local option may obtain the same rights to initiate or refer laws for local option purposes as are therein given to friends of legislation on all other subjects affecting the people's welfare. Thus the proposed amendment carries out the principle of "equal rights to all; special privileges to none." People favoring local option by provisions of the statute should join at the coming election those who favor the initiative and referendum, in writing into our Constitution these great powers for exercise by the people on all subjects.

Also:

Senator Shanahan arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Certain newspapers, through mistake of their correspondents, stated that I had said in discussing the Japanese question, on the floor of the Senate, that "a mass meeting might be called in San Francisco, of three hundred thousand persons to protest against the ratification of the Japanese treaty." I did not make that statement, or any statement of a similar nature, and said nothing about any meeting to consider that or any other question.

Also:

Senator Juilliard arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: My attention has been called to the scurrilous, ungentlemanly and unchristian attack made by the Rev. S. Fraser Langford last Sunday night upon certain members of this Senate, and upon Senator Wolfe and myself specially.

I assume that he is reported correctly in the "Sacramento Union" of this date, and if so, his inferences, representations and statements concerning the local option bill and the effect and aim of the amendments offered by me are unfair, unchristian and untrue. He went so far in his ministerial wrath, so I am informed, as to compare the senior Senator from San Francisco and myself unto a "party of thieves"; he referred to the Assemblyman from my district, and who sat at my desk, as a lobbyist, and applied other belittling and unkind terms toward him. His remarks and references to Senator Wolfe are so uncalled for and ungentlemanly that they need not be further noticed.

Langford is a prohibitionist, and not a local optionist, and he so admits. And this is further proven when he says: "Prohibition spells prosperity, if we learn to spell it with a local option primer."

The Senators referred to favor a fair local option law, and hence voted to so amend it, and for honestly so believing and voting have been criticised and misrepresented by a fanatical prohibitionist from the pulpit, who hoped thereby to influence through fear of like indecent, unfair and unchristian criticism, members of the Assembly to refuse to accept the amendments.

On behalf of Senator Wolfe and the Senators maltreated, I hurl back to this narrow-minded, unchristian being all the insults he has attempted in the premises.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequest, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Senate Bill No. 656 was temporarily passed on file, in the absence of Senator Martinelli, to retain its place.

Assembly Bill No. 539—An Act to prevent the fishing, or taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 539 finally passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Estudillo, Assembly Bill No. 473 was passed, to be placed at the foot of the file.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for the compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 518 refused final passage by the following vote:

AYES—Senators Beban, Caminetti, Estudillo, Juilliard, Regan, Rush, Strobridge, Tyrrell, Welch, and Wolfe—10.

NOES—Senators Birdsall, Black, Boynton, Bryant, Gates, Hewitt, Holohan, Lewis, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—15.

Assembly Bill No. 388—An Act to amend section three hundred forty-nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Read third time on previous day.

On motion of Senator Boynton, Assembly Bill No. 388 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 12.

Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of November, 1909.

WHEREAS, The city of Sacramento, in the county of Sacramento, State of California, contains a population of more than thirty five hundred inhabitants and has been ever since the year 1893 and is now organized and acting as a municipal corporation under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State; and

WHEREAS, On the 2nd day of November, 1909, after due notice given and proceedings had, an amendment to Section 8 of said charter of the city of Sacramento was submitted to and voted upon by the qualified electors of said city, and at said election the said amendment was ratified by a majority of the electors of said city voting thereon and was thereafter upon the canvass of the votes thereon made by the board of trustees of said city on the 8th day of November, 1909, duly declared to have been ratified by the electors of said city, which said Section 8 as so amended reads as follows:

"Section 8. The board of trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh and ninth wards shall hold office for two years only and those who are residents of the second, fourth, sixth and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire and the trustees thus elected shall hold office for four years."

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the city charter of the city of Sacramento hereinbefore set forth, as presented and submitted to and adopted and ratified by the said electors of said city, be, and the same is, hereby approved for and as an amendment to the city charter of said city of Sacramento.

PROPOSED AMENDMENT TO THE CITY CHARTER.

1. That Section 8 of said charter be amended so as to read as follows:

"Section 8. The board of trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh and ninth wards shall hold office for two years only and those who are residents of the second, fourth, sixth and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire and the trustees thus elected shall hold office for four years."

OFFICE OF THE CITY CLERK, CITY OF SACRAMENTO, STATE OF CALIFORNIA.

I, M. J. Desmond, city clerk of the city of Sacramento, and ex officio clerk of the board of trustees of said city, do hereby certify that said city is and at all of the times herein mentioned was a city containing a population of more than ten thousand inhabitants, governed by a charter framed for its own government by a board of fifteen freeholders, who were elected for that purpose, and which charter was duly ratified by the electors of said city and thereafter duly approved by the Legislature of the State of California.

I further certify that the above and foregoing amendment to Section 8 of said charter of the city of Sacramento was upon petition to the legislative authority of said city, by more than fifteen per cent of the qualified voters thereof and after due notice given by a proposal therefor submitted by said legislative authority, to wit: the board of trustees of the city of Sacramento, to the qualified electors thereof at a general election held in said city on the second day of November, 1909, and at said election said amendment was ratified by a majority of the electors of said city voting thereon, and said amendment was upon the canvass of the votes thereon made by the board of trustees of said city on the eighth day of November, 1909, duly declared by said board to have been ratified by the electors of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said city of Sacramento this 31st day of January, 1911.

[SEAL]

M. J. DESMOND,

City Clerk of the City of Sacramento and ex officio Clerk of the Board of Trustees of said City.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

During second reading of the bill, the following amendments were submitted by committee:

On page 8, Section 5, line 9, strike out the words "two hundred and fifty", and insert in lieu thereof the following: "five hundred".

Amendment adopted.

Also:

Strike out all of line 10, and the first nine words of line 11, page 8, Section 5, of printed bill, and insert in lieu thereof the following: "payable in two equal installments of two hundred and fifty dollars each on the first Monday in May and August of each year".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, of the printed bill, amend line 30, after the word "pressmen", by inserting a "comma" and the word "bookbinders".

Amendment adopted.

Also:

On page 2, of the printed bill, amend line 33, by inserting after the word "compositors" the words "other than machine operators".

Amendment adopted.

Also:

On page 2, of the printed bill, amend line 35, by inserting after the word "month" the following: "and provided, that no employee shall receive any compensation for

any day, or part of any day he or she does not work, excepting full legal holidays, and the fifteen days vacation allowed by an Act entitled "An Act providing for vacations for certain employees of the State, approved March 15, 1909."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

During second reading of the bill, the following amendments were submitted by committee:

In line 11, of Section 1, strike out the words: "first day of April", and insert in lieu thereof the words "twenty-third day of October".

Amendment adopted.

Also:

In line 22, page 2, Section 1, add after the period, the following: "Nothing herein shall apply to domestically reared steelhead trout."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER)

On motion of Senator Wolfe, the second-reading file of Senate bills was taken up.

Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof, and by adding a new section to be numbered Section 68½.

During second reading of the bill, the following amendments were submitted by committee:

By striking out of Section 1, page 1, line 1, of the printed bill, the word and figures "61 and 68", and in the same section on page 1, line 3, of the printed bill, the word "are", and insert in lieu thereof the word "is", and also on page 3, line 56 thereof, after the word "therefor" insert a new paragraph in the words and figures following: "SEC. 2. Section 61 of said Act is hereby amended so as to read as follows:", and also on page 5, line 148 thereof, after the word "issue" insert a new paragraph in the words and figures following: "SEC. 3. Section 68 of this Act is hereby amended so as to read as follows:".

Amendment adopted.

Also:

By striking out Section 2, page 6, line 176, of the printed bill, the word and figure "SEC. 2.", and insert in lieu thereof the word and figure "SEC. 4."

Amendment adopted.

Also:

By striking out of Section 61, page 5, line 133, of the printed bill, the following words: "and that such income shall have been so sufficient for the term of three years preceding the purchase of such bonds", and insert in lieu thereof the following words: "including interest on all of its mortgage indebtedness and that the income of such

corporation or of the corporation or corporations out of which it shall have been formed through consolidation shall have been sufficient to pay its operating expenses and fixed charges including interest on all mortgage indebtedness for a period of three years next preceding the purchase of such refunding bonds".

Amendment adopted.

Also:

By inserting in Section 61, page 5, line 144, of the printed bill, before the word "franchise" the following words: "main or principal" and also in the same section, page 5, line 146, of the printed bill, before the word "franchise" the following words: "main or principal".

Amendment adopted.

Also:

By adding to Section 61, page 5, line 148, of the printed bill, a new subdivision to be entitled "(i)" in the following words: "(i) Collateral trust bonds when secured by a deposit of an equal amount of bonds which are authorized for investment by this section and a sufficient amount of other security so that the bonds shall represent not more than ninety per cent (90%) of the market value of the total security pledged therefor".

Amendment adopted.

Also:

By striking out of Section 68, page 5, line 152, of the printed bill, the following words, "exclusive of state, county and municipal deposits" and also by adding to same section, page 5, line 154, of the printed bill, before the words "lawful money" the following words: "bonds of the United States or of" and by striking out of the same section, page 5, line 158, of the printed bill, the words "on hand", and insert in lieu thereof the following words: "in its own keeping" and by striking out of the same section, page 5, line 159, of the printed bill, the word "three", and insert in lieu thereof the word "four", and by striking out of the same section, page 5, line 160, of the printed bill, the words "on hand", and insert in lieu thereof the words "in its own keeping", and also by adding to the same section, page 6, line 176, of the printed bill, after the word "banks" and as a part of the sentence the following words: "other than savings deposits and such deposits shall not be treated or considered as a part of the legal reserve of such depositing bank and provided that the sum so deposited shall not exceed the sum of ten thousand dollars (\$10,000) in any one bank".

Amendment adopted.

Also:

By adding to Section 68, page 6, line 14, of Section 2, of the printed bill, after the word "draw" the following words: "upon demand without notice".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49-60-62, 80, 82, 83, 96, 123, 133, 124 thereof and by adding new Sections 12a, 52, 53, and 84 thereto.

During second reading of the bill, the following amendments were submitted by committee:

By adding to the title of the Act on page 1, line 5, of the title of the printed bill, after the figures "124" the word and figures "and 121".

Amendment adopted.

Also:

By adding to Section 12a, page 2, line 25, of the printed bill, after the word "Act" a new paragraph in the following words:

"Nothing in this section contained shall prohibit building and loan associations from receiving deposits of money and executing certificates therefor in accordance with the laws governing such associations, but all such certificates other than cer-

tificates of stock must designate on the face thereof the terms under which such certificates are issued."

Amendment adopted.

Also:

By striking out of Section 20, page 3, line 5, of the printed bill, the following words: "exclusive of state, county and municipal deposits", and also by striking out of the same section, page 3, line 15, of the printed bill, the word "twenty-five" and inserting in lieu thereof the word "twenty", also by striking out of same section, page 3, line 16, of the printed bill, the following words: "exclusive of state, county and municipal deposits".

Amendment adopted.

Also:

By adding to Section 23, page 4, line 11, of the printed bill, after the word "bank" the following words: "hereafter organized", and also by adding to the same section, page 5, line 56, of the printed bill, after the word "business" a new paragraph in the following words:

"The foregoing classification shall not apply to any bank already in existence which has received its certificate to do a banking business from the Superintendent of Banks".

Amendment adopted.

Also:

By striking out of Section 33, page 5, line 10, Section 5, of the printed bill, the following words: "commercial or business paper", and insert in lieu thereof the following words: "bills of lading and bills of exchange drawn in good faith against actually existing value".

Amendment adopted.

Also:

By striking out of Section 39, page 6, line 7, Section 7, of the printed bill, the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Also:

By striking out of Section 43, page 6, line 6, of Section 8, of the printed bill, after the word "deposit", the "period" and capital letter "E", in exclusive, making the line read as one sentence.

Amendment adopted.

Also:

By adding to Section 60, page 8, line 3, of the printed bill, after the word "bank", the words "hereafter organized", and also by adding to the same section, page 8, line 26, of the printed bill, after the word "Act", a new paragraph in the following words: "The foregoing classification shall not apply to any savings bank already in existence which has received its certificate to do a banking business from the superintendent of banks", and also by adding to the same section, page 8, line 28, of the printed bill, after the word "section", the following words: "nineteen of this Act relative to the proportion of capital and surplus to deposits or of section".

Amendment adopted.

Also:

By striking out of Section 80, page 10, line 24, of the printed bill, the words "loan or loans", and insert in lieu thereof the words "loans on or purchases of bills of lading or such bills of exchange".

Amendment adopted.

Also:

By striking out of Section 82, page 10, line 3, Section 14, of the printed bill, the following words: "which is now transacting or which may hereafter transact business", and insert in lieu thereof the words "hereafter organized", and also by adding to the same section, page 10, line 18, of Section 14, of the printed bill, after the word "persons", a new paragraph in the following words: "The foregoing classification shall not apply to any commercial bank already in existence which has

received its certificate to do a banking business from the Superintendent of Banks", and also by adding to the same section, line 20, Section 14, of the printed bill, after the word "section", the following words: "nineteen of this Act relating to the proportion of capital and surplus to deposits or of section".

Amendment adopted.

Also:

By striking out of Section 83, page 11, line 16, of the printed bill the word "sixty", and insert in lieu thereof the word "fifty".

Amendment adopted.

Also:

By striking out of Section 123, page 12, line 7, of the printed bill, the words "clerks", and insert in lieu thereof the word "assistants", and also by striking out of the same section, page 12, line 9, of the printed bill, the word "fifty", and insert in lieu thereof the word "twenty-five", and also by adding to the same section, page 12, line 13, of the printed bill, after the words "and surplus" first occurring in said line, the words "which shall include all reserve and contingent funds", also by striking out of the same section, page 12, line 13, of the printed bill, the word "such", and insert in lieu thereof the word "incorporated", and also by adding to the same section, page 12, line 13, of the printed bill, after the word "bank", the following words: "or the surplus reserve and contingent funds of any bank organized without a capital stock", and also by adding to the same section, page 12, line 14, of the printed bill, after the word "surplus" secondly occurring in said line, the following words: "the surplus, reserve and contingent funds".

Amendment adopted.

Also:

By adding a new section to be known as Section 22, being in the words and figures following: "SEC. 22. Section 121 of said Act is hereby amended so as to read as follows: Section 121. The Superintendent of Banks shall employ a chief deputy, attorney, and such assistants and examiners as he may need to discharge in a proper manner the duties imposed upon him by law, none of which examiners or assistants or attorney shall be interested in any bank in this State as director, stockholder, officer or employee, and they shall perform such duties as he shall assign to them. He shall fix the compensation of the chief deputy, attorney, assistants and examiners, which compensation shall be paid monthly on the certificate and on the warrant of the Controller out of the state treasury; *provided, however*, that the total expenditures provided for in this Act shall not exceed seventy-five thousand dollars per annum. The chief deputy shall within fifteen days from the time of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the Secretary of State.

"No person shall be appointed a chief deputy who has not had at least three years' active banking experience, either as an executive officer or employee of some bank in this State. In case of the absence or inability to act, or vacancy in the office of Superintendent of Banks for thirty consecutive days, the chief deputy shall execute to the people of the State a bond in the penal sum of \$50,000, with corporate surety or two sureties to be approved by the Controller and Treasurer of the State, conditioned for the faithful discharge of the duties of the superintendent while such deputy acts as superintendent and upon filing such bond such deputy shall have all the power and duties of Superintendent of Banks, until the inability of the superintendent shall be removed, or until a new Superintendent of Banks shall have been appointed by the Governor.

"No Superintendent of Banks, chief deputy, or bank examiner, shall be or shall become indebted, directly or indirectly, either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service

and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was unanimously granted, consent to take up Senate Constitutional Amendment No. 15, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 15—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14 A. D. 1911.

The following amendments were offered by Senator Wright:

Amend the title by striking out all the second line after the words "San Diego", and all of line 3 of the title, and insert in lieu thereof the following:

"In the county of San Diego, State of California, voted for and adopted by the qualified electors of the said city of San Diego at a special election held therein for that purpose, on the 14th day of February, 1911."

Amendment adopted.

Also:

On page 1, of the printed resolution, strike out all of lines 1 to 8 inclusive, and insert in lieu thereof the following:

"WHEREAS, In accordance with the provisions of section eight of article eleven of the Constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city, at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly amended by the Legislature of the State of California, on the 16th day of March, 1889, by a joint resolution entitled 'Senate Joint Resolution No. 5, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the second day of March, 1889'; and

"WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended; the same not having been amended in the two years last past; and

"WHEREAS, More than fifteen per cent of the qualified voters of the said city of San Diego petitioned the legislative authority of the said city of San Diego to submit four certain amendments to said charter to the qualified voters of said city for approval, which proposed amendments are hereinafter designated and numbered amendments number one, two, three and four; and

"WHEREAS, The legislative authority of the said city of San Diego also proposed nine other amendments to the said charter of the said city of San Diego, making in all thirteen proposed amendments to the charter of the said city of San Diego; and

"WHEREAS, The legislative authority of the said city of San Diego, did by ordinance numbered four thousand two hundred and ninety of the ordinances of said city, adopted by the common council of said city on the fifth day of December, 1910, and entitled 'An ordinance submitting to the voters of the city of San Diego, certain proposed amendments to the charter of said city, and calling a special election therefor', which ordinance was approved by the mayor of said city on the sixth day of December, nineteen hundred and ten, and pursuant to section eight, of article eleven of the Constitution of the State of California, duly submitted to the qualified electors of the said city of San Diego, said thirteen amendments to the charter of the said city of San Diego; and

"WHEREAS, Said thirteen proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after the passage and approval of said ordinance number four thousand two hundred and ninety, in the city official newspaper, of San Diego, to wit: San Diego Union and Daily Bee, a daily newspaper published and of general circulation in said city of San Diego; and

"WHEREAS, The said legislative authority of the said city of San Diego, did, by said ordinance number four thousand two hundred and ninety, call a special election to be held in the said city of San Diego, on Tuesday, the 14th day of February, 1911, for the purpose of submitting to the qualified electors of the said city of San Diego, said thirteen proposed amendments to said charter; and

"WHEREAS, Said special election was held in the said city of San Diego on the said fourteenth day of February, nineteen hundred and eleven, which day was more than

forty days after the said proposed amendments had been published for twenty days in the said "San Diego Union and Daily Bee"; and

"WHEREAS, On the twentieth day of February, nineteen hundred and eleven, at a regular meeting of the common council of said city of San Diego, held in accordance with law and the charter of said city of San Diego, the said common council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that eight of said proposed amendments designated in said ordinance number four thousand two hundred and ninety, as propositions five, six, seven, eight, nine, ten, eleven and twelve had not been ratified by a majority of the electors voting thereon, and that each and all of the other amendments in said ordinance number four thousand two hundred and ninety, mentioned and hereinafter particularly set forth, being amendments numbers one, two, three, four and thirteen, and submitted to the Legislature of the State of California for approval or rejection, were, and each of them was duly ratified by more than a majority of the electors voting thereon, and the said common council being by law and the charter of said city duly authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in the said city of San Diego; and

"WHEREAS, At said special election so held on the said fourteenth day of February, 1911, five of the said thirteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon; and

"WHEREAS, The said five amendments, and each of them so ratified by the electors of the said city of San Diego at said special election, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment; in accordance with section eight of article eleven of the Constitution of the State of California, and are in the words and figures as follows, to wit:"

Amendment adopted.

Also:

On page 4, line 123, of the printed resolution, strike out the word "therefor", and insert in lieu thereof the following: "thereof".

Amendment adopted.

Also:

On page 6, strike out lines 180 to 191 inclusive, of the printed resolution, and insert in lieu thereof the following:

"AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, in accordance with section eight, of article eleven, of the Constitution of the State of California. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said city of San Diego as proposed and submitted to, and adopted and ratified by the qualified electors of the said city of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said city of San Diego."

Amendment adopted.

Senate Concurrent Resolution No. 15 ordered to print, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 15.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Welch, the second reading of the special appropriation file was taken up for consideration, out of order.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was passed, to be placed at the foot of the file.

Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Hoin against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the 61st and 62nd fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

During second reading of the bill, the following amendments were offered by Senator Welch:

Strike out of Section 1, lines 4 and 5, of printed bill, the words "State sealer of weights and measures", and insert in lieu thereof the following "Secretary of State".

Amendment adopted.

Also:

Add to Section 1, line 5, of printed bill, the words "the necessary" after the words "purchase of" in same line.

Amendment adopted.

Also:

Strike out of Section 1, lines 6, 7 and 8, of printed bill, the words "and to test and correct such standards of weights and measures as are now in the office of the state sealer of weights and measures," and insert a period after the word "measures" in line 6, Section 1.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

THIRD READING OF SPECIAL APPROPRIATION FILE—OUT OF ORDER.

On motion of Senator Boynton, the third reading of special appropriation file was taken up for consideration, out of order.

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Gates, Hans, Harp, Hewitt, Hard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Eyrell, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 377—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Senate Bill No. 377 withdrawn, and ordered stricken from the file.

THIRD READING OF SPECIAL APPROPRIATION FILE—RESUMED.

Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 147 was passed, to be placed at the foot of the file.

Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 145 was passed, to be placed at the foot of the file.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was passed, to be placed at the foot of the file.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

On motion of Senator Caminetti, Senate Bill No. 156 was passed, to be placed at the foot of the file.

Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 152 was passed, to be placed at the foot of the file.

Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 149 was passed, to be placed at the foot of the file.

Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 148 was passed, to be placed at the foot of the file.

Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 401 passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 443 passed by the following vote:

AYES—Senators Behan, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Larkins, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL FROM ENROLLMENT.

Senator Lewis asked for, and was granted, unanimous consent to withdraw from enrollment Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital, with maple flooring, and to make appropriation for the same—for the purpose of amendment.

Senate Bill No. 74 ordered withdrawn from enrollment.

THIRD-READING SPECIAL FILE OF APPROPRIATION BILLS—‘RESUMED’.

Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 444 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Holohan, Huff, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD-READING FILE OF SPECIAL APPROPRIATION BILLS—‘RESUMED’.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 432 was temporarily passed on file, to retain its place.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following bills:

Senate Bill No. 1243, by Senator Welch, entitled "An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California, at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911."

Senate Bill No. 1244, by Senator Shanahan, entitled "An Act to pay the claim of the Klamath Water Users' Association."

Senate Bill No. 1245, by Senator Walker, entitled "An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title."

Senate Bill No. 1246, by Senator Thompson, entitled "An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city."

Senate Bill No. 1247, by Senator Estudillo, entitled "An Act to provide for the formation, government and control of overflow districts."

Have had all of the foregoing under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said bills.

BOYNTON, Chairman.

RESOLUTION—OUT OF ORDER.

The following resolution was introduced:

By Senator Boynton:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they are hereby, permitted to introduce the bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Barnett, Camilleri, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Welch: Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Bill read first time, and referred to Committee on Finance.

By Senator Shanahan: Senate Bill No. 1244—An Act to pay the claim of the Klamath-Water Users' Association.

Bill read first time, and referred to Committee on Finance.

By Senator Walker: Senate Bill No. 1245—An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of Senate Bills was taken up.

Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsell, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 875, the same was taken up for consideration.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion carried.

Time, four o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hase, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees was directed to bring them to the bar of the Senate.

At four o'clock and thirty-five minutes P. M., Senator Behan was brought to the bar of the Senate, and, on motion of Senator Wolfe he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and thirty-six minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called, and Senate Bill No. 875 refused passage by the following vote:

AYES—Senators Behan, Boynton, Bryant, Cassidy, Curtin, Finn, Hase, Hewitt, Lewis, Regan, Rush, Sanford, Welch, Wolfe, and Wright—15.

NOES—Senators Avey, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Walker—24.

NOTICE OF MOTION TO RECONSIDER.

Senator Hurd gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 875 was this day refused passage.

SENATOR ROSEBERRY IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Roseberry, of the Thirty-third District, in the chair.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER.)

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school, at Davis, and appropriating money therefor.

Also: Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 522, 523, 524, 525, and 526 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Finance, to whom was re-referred the following, from the Committee on Hospitals and Asylums: Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Also: Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings, destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 649 and 650 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also: Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the State treasury.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bill No. 521 ordered on file for second reading.

Assembly Bill No. 253 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Juilliard offered, and sent to the desk for introduction, a concurrent resolution.

Senate concurrent resolution ordered referred to Committee on Introduction of Bills.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 28, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avery, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates,

Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 27, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. H. Wascowitz, of San Francisco.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. T. Craig, of Los Angeles.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Ben F. Woolner, of Oakland.

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to F. C. Murphy, of Sacramento.

On request of Senator Avey, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to R. B. Goodell, of San Bernardino.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 913 and 1160 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Senate Bill No. 894 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 900 passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Senate Bill No. 615 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

On motion of Senator Boynton, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate constitutional amendment read.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer Senate Constitutional Amendment No. 20 to Senator Hare, as a special committee of one, to amend as follows:

Strike out all of the proposed constitutional amendment after the word "inhabitants," on page 1, line 9, of the printed amendment, and insert in lieu thereof the following: "as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, or by a census of said city, taken, subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the constitution, or, having framed such a charter, may frame a new one, by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite number of qualified electors of said city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of

such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; *provided* that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published, for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city; and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city, at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this section of the constitution or not) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State and the other, after being recorded, in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the

qualified electors of the city, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as heretofore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as heretofore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, or amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this Constitution and by the laws of the State, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Constitutional Amendment No. 20, with instructions to amend, respectfully reports the same back, amended as per instructions.

HARE, Committee.

Report of special committee of one, and amendments, adopted.

Senate Constitutional Amendment No. 20 ordered to print, and on file.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against a county.

Senate Bill No. 483 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Larkins moved to refer to Senator Strobbridge, as a special committee of one, to amend as follows:

On page 2, Section 1, line 21, of Senate Bill No. 14 after the word "servant", insert the following: "except that an employer in any action, may show in all cases where laborers shall be employed in business not hazardous in character that no act or omission of such employer caused or tended to cause such injury, and in such cases an employer shall not be responsible for any damages caused by the want of ordinary or reasonable care of a fellow servant, when such employer does not cause or contribute to such injury by any act or omission upon his part."

Also: On page 3, Section 4, line 6, strike out the word "person."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 14, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of Senate Bill No. 14 be made a special order for Wednesday, March 1, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Also: Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand

two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-six *a*, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred ninety of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal section four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty one *a*, of said Political Code.

Also: Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Also: Senate Bill No. 141—An Act providing for an appropriation of \$750.00 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also: Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367*a*, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, division third of said Code in place thereof, relating to negotiable instruments.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and State farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Also: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Also: Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 661—An Act to provide for the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 673—An Act to regulate bakeries or bakeshops, prohibiting the use of cellars or basements for the manufacturing of them, or of such food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 27th day of February, 1911, at five o'clock P. M.

CASSIDY, Chairman.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Governor was taken up and read:

EXECUTIVE OFFICE, SACRAMENTO, February 28, 1911.

To the Senate of the State of California:

In accordance with Section 22, of Article IV of the Constitution of the State of California, I hereby appoint by and with your consent the following named persons members of the commission, known as the Panama-Pacific Exposition and Exposition Commission of the State of California: Matt I. Sullivan, of San Francisco, who is hereby designated as the president of said commission; Chester H. Rowell, of Fresno; R. Cameron Rogers, of Santa Barbara; and Marshall Stinson, of Los Angeles.

Respectfully,

HIRAM W. JOHNSON,
Governor of California.

Message read, and referred to the Committee on Executive Communications.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to an Act

entitled "An Act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1053 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 984 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 956 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 958—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

On motion of Senator Tyrrell, Senate Bill No. 958 was temporarily passed on file, to retain its place.

Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure to be known as 280*d*, relating to graduates of the Young Men's Christian Association Law College of San Francisco being admitted to practice without examination.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 868 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Tyrrell, Walker, Welch, Wolfe, and Wright—26.

NOES—Senators Burnett, Cutten, Larkins, Lewis, Roseberry, and Shanahan—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

Senate Bill No. 953 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Senate Bill No. 898 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

On motion of Senator Cutten, Senate Bill No. 617 was passed, to be placed at the foot of the file.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled 'An

Act to amend section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' " approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' " approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 960 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Catten, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, and Wright—26.

NOES—Senator Welch—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment herewith return Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same—from enrollment, as per order of Senate February 27, 1911.

CASSIDY, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories to whom was referred Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also, Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also, Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also, Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Also, Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Also, Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also, Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Herewith return said Assembly bills to the desk, in accordance with instruction of the Senate.

FINN, Chairman.

MOTIONS.

Senator Caminetti announced that Assembly Bill No. 121 is identical with Senate Bill No. 140, and moved that Assembly Bill No. 121 and Senate Bill No. 140 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 121 and Senate Bill No. 140 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 123 is identical with Senate Bill No. 145, and moved that Assembly Bill No. 123 and Senate Bill No. 145 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 123 and Senate Bill No. 145 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 125 is identical with Senate Bill No. 147, and moved that Assembly Bill No. 125 and Senate Bill No. 147 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 125 and Senate Bill No. 147 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 126 is identical with Senate Bill No. 148, and moved that Assembly Bill No. 126 and Senate Bill No. 148 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 126 and Senate Bill No. 148 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 127 is identical with Senate Bill No. 149, and moved that Assembly Bill No. 127 and Senate Bill No. 149 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 127 and Senate Bill No. 149 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 129 is identical with Senate Bill No. 151, and moved that Assembly Bill No. 129 and Senate Bill No. 151 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 129 and Senate Bill No. 151 ordered referred to Committee on Engrossment and Enrollment.

Also:

That Assembly Bill No. 130 is identical with Senate Bill No. 152, and moved that Assembly Bill No. 130 and Senate Bill No. 152 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 130 and Senate Bill No. 152 ordered referred to Committee on Engrossment and Enrollment.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred the following Senate Bill, from the Committee on Judiciary: Senate Bill No. 25—An Act to create a State bureau of criminal identification and investigation—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 25 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Also: Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 1238, 1239, and 1240 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office, and their salaries.

Also: Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of surveyor general.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 729 and 730 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Also: Senate Bill No. 942—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Also: Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 181, 942, 1047, 1086, and 1088 ordered on file for second reading.

Assembly Bills Nos. 174, 207, and 272 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 11—An Act establishing a State Normal School at Fresno, county of Fresno, California, and making an appropriation therefor.

Also: Senate Bill No. 15—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 11 and 15 ordered on file for second reading.

Assembly Bills Nos. 270 and 587 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Cutten offered, and sent to the desk for introduction, a Senate constitutional amendment.

Senate constitutional amendment referred to Committee on Introduction of Bills.

Senator Lewis offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

SUSPENSION OF RULE.

Senator Holohan moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act—have had the same under consideration, and respectfully report the same back with majority recommendation do pass; minority recommendation substitute be adopted.

LARKINS, Chairman.

Assembly Bill No. 248 ordered on file for second reading.

MINORITY COMMITTEE REPORT ON ASSEMBLY BILL NO. 248.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: The undersigned, members of the Senate Committee on Labor, Capital and Immigration, to which committee was referred Assembly Bill No. 248, beg leave to report that said bill was considered by the committee on three separate and distinct occasions, that on two of said hearings representatives of labor and representatives of those in opposition to the bill were heard at length, and that your committee not only heard arguments, but have taken evidence as to the merits of the bill.

A meeting of the committee was held on Monday evening, the 27th instant, for the purpose of taking final action thereon. At said meeting four of the committee were present, and without allowing any opportunity to amend the bill, or waiting the attendance of the absent members, the bill was reported out, without amendment, with the recommendation that it do pass, within fifteen minutes after the committee convened.

The undersigned, constituting a minority of the committee, are sincerely in favor of a just and equitable measure that will afford to overworked women the protection that their health requires, but we believe the enactment of Assembly Bill No. 248, in the form in which it was recommended by the committee, would work great hardships upon the women laborers themselves, and be unfair to the business interests of the State of California.

With a spirit of fairness to the laboring women, and with an equal desire to be fair and just to the business interests, we recommend the adoption of the following substitute for Assembly Bill No. 248.

All of which is respectfully submitted.

H. M. HURD.
LEROY A. WRIGHT.

SUBSTITUTE FOR ASSEMBLY BILL NO. 248.

An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment, or by any express or transportation company in this state more than nine hours during any one day or more than fifty-four hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of one day, or fifty-four hours during any one week: *provided, however*, that the provisions of this section in relation to the hours of employment shall not apply to nor affect the harvesting, curing, canning, drying, manufacturing or packing of any variety of perishable fruit, vegetable or other perishable food stuffs: *provided, further*, that the provisions of this section in relation to the hours of employment shall not apply when a necessity arises in any of the employments or establishments hereinafore set out, for additional hours of work; *and provided, further*, that such necessity shall be deemed to exist only upon the making of an affidavit by the responsible head of such industry or establishment that a necessity has arisen therefor and upon the filing of said affidavit with the Bureau of Labor of the State of California; and provided further that such period of necessity so arising shall in all not exceed ninety days in any one calendar year; *and provided, further*, that for any and all time during said period of necessity so deemed to exist, the employees of said industry or establishment shall receive as compensation for such additional time beyond the nine hours by this section provided a sum fixed at the rate of one and one half times per hour the compensation for the said nine hours.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section one more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to provide suitable seats as provided in section two of this Act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than \$50 nor more than \$200, or imprisoned in the county jail not less than five nor more than thirty days, or both fined and imprisoned.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1177, an Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the

bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909—have had the same under consideration, and respectfully report the same back and recommend that the committee substitute be adopted.

HURD, Chairman.

Senate Bill No. 1177 ordered on file for second reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof," approved March 21, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Carr-wright, Curtin, Estudillo, Finn, Gates, Hare, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WRIGHT IN THE CHAIR.

At twelve o'clock M., Senator Wright, of the Fortieth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 944—An Act to create a reservation for fish, shell-fish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Senate Bill No. 944 was temporarily passed on file, in the absence of the author, to retain its place.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended thirty minutes.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT NO. 13.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7, of Article I, thereof, relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

The Legislature of the State of California, at its regular session, commencing on the 2d day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California so that Section 7 of Article I of said Constitution shall read as follows:

Section 7. The right of trial by jury shall be secured to all, and remain inviolate;

but in civil actions three fourths of a jury may render a verdict and in criminal actions five sixths of the jury may render a verdict: *provided, however*, that in all criminal actions where the death penalty or penalty of life imprisonment may be pronounced by the court, or where the offense is committed before the adoption of this amendment, the verdict must be unanimous. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

Senate constitutional amendment read on previous day.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 13 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Gates, Hewitt, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetsón, Strobbridge, Thompson, Walker, and Welch—29.

NOES—Senators Beban, Bryant, Cassidy, Finn, Hurd, Juilliard, Tyrrell, Wolfe, and Wright—9.

Senate Constitutional Amendment No. 13 ordered engrossed and transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Also, Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 300, 298, and 736 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 20 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 16 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted as amended Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people and respectfully request your honorable body to concur in the amendments thereto.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 1?"

On page 2, line 11, strike out the comma after the word "people", and add following to the end of line 14, and insert in lieu thereof a period.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Joint Resolution No. 1 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estabille, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—37.

NOES—None.

Senate Joint Resolution No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriations for the same.

Also: Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery corporations or associations from borrowing directly or indirectly any funds of the corporations or associations, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such corporations or associations and prescribing a penalty therefor.

And respectfully request your honorable body to concur in the same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 73?"

"SEC. 3. This Act shall take effect and be in force from and after its passage."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 73 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Senate Bill No. 73 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 299?"

In line 44, on page 2, of the printed bill, strike out the word "six", and insert in lieu thereof the word "three".

Also: In line 47, on page 2, of the printed bill, strike out the period after the word "work", and insert in lieu thereof a comma and add the following: "provided, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 299 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 299 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 586?"

In line 3, of the title, insert after the word "cemetery", the words "corporations or".

Also: In line 4, of the title, insert the words "corporation or" before the word "association".

Also: In line 6, of the title, after the word "such", insert the words "corporations or".

Also: In line 4, of the bill, after the word "cemetery", insert the words "corporation or".

Also: In line 6, of the bill, after the word "such", insert the words "corporation or".

Also: In line 9, of the printed bill, after the word "such", insert the words "corporation or".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 586 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Cutten, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 586 ordered to enrollment.

PETITION.

Senator Wolfe presented the following telegram, which was read and referred to the Committee on Judiciary.

SAN FRANCISCO, February 28, 1911.

Hon. E. I. Wolfe, Senate Chamber, Sacramento, California:

With reference to the bills pending for cession of tide lands to the cities of Los Angeles, San Diego and Oakland, the Merchants' Association of San Francisco desires to cooperate with these cities in any reasonable effort for the improvement and maintenance of their harbors. The association, however, believes that the cession of tide lands to these cities with an opportunity for them to assume control of their respective harbors and regulate charges on shipping and with the power that they would have of raising funds for improving and maintaining the harbors by taxing the property of their citizens instead of by raising funds from charges on shipping would give them an opportunity of entering into unfair competition with the harbor of San Francisco, which is now under State control, and can be maintained only by charges upon shipping. If such unfair competition were to be permitted or encouraged by the State it might seriously affect the revenues that could be raised in San Francisco harbor from the charges upon shipping and would affect the bonds which have been issued and which have been authorized and reflect on the credit of the State. We therefore urge that in any cession of tide lands to any of these three cities some scheme be provided for State control and the State be given authority to fix at least a minimum charge on shipping. For similar reasons we are opposed to any law being passed with reference to pilot charges except a uniform law affecting all harbors alike. We would request you to present these views to the appropriate committees, and would request that you secure the publication of this communication in the Senate Journal.

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO.

M. H. ROBBINS JR., President.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER)—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1065—An Act requiring the transfer of funds

from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Also: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Also: Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Poixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also: Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Also: Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Also: Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Also: Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the State courts to the courts of the United States.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Also: Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes: the acquisition of property thereby: the calling and conducting of elections in such districts: the assessment, levy, collection, custody and disbursement of taxes therein: the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Also: Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California relating to claims against the estates of decedents, and interest thereon.

Also: Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the state forestry station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Also: Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in consolidated Reclamation District No. 812.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1065, 1143, 1149, 1153, 1154, 27, 221, 222, 224, 225, 241, 288, 615, 616, 872, 989, 1366, 1376, 1379, 1381, and 1384 read first time.

Assembly Bills Nos. 1366 and 241 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 1376, 1379, 288, 615, 616, 1153, and 1154 ordered referred to Committee on Public Buildings and Grounds.

Assembly Bills Nos. 872 and 989 ordered referred to Committee on Public Morals.

Assembly Bills Nos. 27, 224, 1065, and 1149 ordered referred to Committee on Finance.

Assembly Bills Nos. 221, 222, and 225 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bill No. 1143 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 1381 and 1384 ordered referred to Committee on County Government.

RECESS.

At one o'clock P. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Charles P. Cain, of San Francisco.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

On page 2, Section 2, line 3, strike out the words and brackets "[two, deputies]", and insert in lieu thereof the following: "one deputy".

Also: On page 2, Section 2, line 4, strike out the word "deputies" and insert in lieu thereof the word "deputy".

Also: On page 6, Section 10, line 2, strike out the words "two thousand four hundred", and insert in lieu thereof the words "three thousand six hundred".

Also: On page 6, Section 10, line 3, strike out the word "each", and insert in lieu thereof the word "the".

Also: On page 6, Section 10, line 9, strike out the word "each" and insert in lieu thereof the word "the".

Also: On page 7, Section 11, line 3, strike out the word "each" and insert in lieu thereof the word "the".

Also: On page 7, Section 11, line 3, strike out the figures and brackets "\$10,000)".

Also: On page 7, Section 11, line 6, strike out the figures and brackets "\$5,000)".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 269 with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 388—An Act to amend section three hundred forty-nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Larkins, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

On motion of Senator Welch, Assembly Bill No. 495 was temporarily passed on file, to retain its place.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Estudillo, Assembly Bill No. 473 was passed, to be placed at the foot of the file.

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Assembly Bill No. 947 was temporarily passed on file, in the absence of Senator Finn, to retain its place.

Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Read third time.

MOTION.

Senator Campbell moved that Assembly Bill No. 656 be re-referred to the Committee on Judiciary, to retain its place on file.

Motion seconded.

The question being on the motion to re-refer Assembly Bill No. 656 to the Committee on Judiciary.

The roll was called, and Assembly Bill No. 656 re-referred to the Committee on Judiciary by the following vote:

AYES—Senators Birdsall, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Hans, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Strobridge, Tyrrell, Welch, Wolfe, and Wright—22.

NOES—Senators Bills, Black, Boynton, Curtin, Cutten, Gates, Hewitt, Holohan, Shanahan, Stetson, Thompson, and Walker—12.

Assembly Bill No. 656 ordered re-referred to the Committee of Judiciary.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION NO. 15.

Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

WHEREAS, The city of Santa Cruz, a municipal corporation of the county of Santa Cruz, State of California, now is, and was at all times herein mentioned a city containing a population of more than three thousand five hundred (3,500) inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 3d day of November 1910, under and in accordance with law and provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special municipal election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, in accordance with law and within ninety days after their said election, prepare and propose a charter for the government of said city of Santa Cruz, which charter was signed in duplicate by a majority of the members of said board of freeholders on the 17th day of December, 1910, and thereupon duly returned and filed, one copy thereof with the mayor of the city of Santa Cruz, and another copy thereof with the county recorder of said Santa Cruz County in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, each being a daily newspaper of general circulation printed and published in said city of Santa Cruz, and said publication as aforesaid continued for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Santa Cruz at a special municipal election previously duly called and held therein on the 31st day of January, 1911; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said city of Santa Cruz voting at said special municipal election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same; and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Santa Cruz duly canvassed the returns of said special election and found and declared that the majority of said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF CITY OF SANTA CRUZ.

PREPARED AND PROPOSED BY BOARD OF FREEHOLDERS ELECTED NOVEMBER 3, 1910,
PURSUANT TO PROVISIONS OF ARTICLE XI, SECTION 8, OF THE CONSTITUTION
OF THE STATE OF CALIFORNIA.

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ARTICLE I.

NAME AND BOUNDARIES.

SECTION 1. *Name.* The municipal corporation now existing, known as the City of Santa Cruz, shall continue in name and in fact to be a body politic and corporate, with exterior boundaries fixed as follows:

SEC. 2. *Boundaries.* Beginning on the bay of Monterey at a point on said bay 410 feet west of the section line between sections nineteen and twenty, township eleven south, range one west, M. D. M.; thence northerly along the middle of Woods Lagoon and the creek in Arana Gulch to the boundary of de Laveaga Park; thence north 88 degrees east, 140 feet to a station; thence south 50 $\frac{1}{2}$ degrees east, 79.20 feet to a station on the west side of the county road; thence north 17 $\frac{1}{2}$ degrees east, 14.50 feet to a station; thence north 2 degrees west, 91 feet along the west side of said county road to a station; thence south 89 $\frac{1}{2}$ degrees west, 396 feet to a station; thence north 32 degrees west, 130 feet to a station; thence north 34 degrees west, 150 feet to a station; thence north 36 degrees 45 minutes west, 50 feet to a station; thence north 52 degrees west, 150 feet to a station; thence north 62 degrees west, 120 feet to a station; thence north 60 degrees 30 minutes west, 260 feet to a station; thence north 1 degree 15 minutes east, 185 feet to a station; thence north 30 degrees 15 minutes east, 60 feet to a station; thence north 4 degrees east, 50 feet to a station; thence north 36 degrees 30 minutes west, 130 feet to a station; thence north 16 degrees 15 minutes west, 280 feet to a station; thence north 2 degrees 45 minutes west, 164 feet to a station; thence north 20 degrees 15 minutes west, 283 feet to a station; thence north 9 degrees west, 163 feet to a station; thence north 6 degrees 45 minutes west, 180 feet to a station; thence north 4 degrees 45 minutes west, 160 feet to a station; thence north 22 degrees east, 130 feet to a station; thence north 7 degrees 38 minutes west, 286 feet to a station; thence north 37 degrees west, 113 feet to a station; thence north 130 feet to a station; thence north 46 degrees east, 80 feet to a station; thence north 6 degrees 30 minutes west, 159 feet to a station; thence north 2 degrees 30 minutes east, 70 feet to a station; thence north 33 degrees 15 minutes west, 86 feet to a station; thence north 30 minutes west, 831 feet to the northeast corner of de Laveaga Park; thence along the northerly boundary of said de Laveaga Park, south 89 degrees 33 minutes west, 1112 feet to a station; thence north 5 degrees 35 minutes east, 170 feet to a station; thence north 29 degrees east, 145 feet to a station; thence north 29 degrees 45 minutes east, 759 feet to a station; thence north 25 degrees 45 minutes east, 217.80 feet to a station on the westerly side of a right of way; thence along the westerly side of the said right of way, north 1 degree east, 105 feet to a station; thence north 57 degrees 30 minutes west, 142 feet to a station; thence south 89 degrees 20 minutes west, 690.40 feet to a station; thence south 623 feet to a station; thence north 57 degrees 30 minutes west, 278.50 feet to a station; thence south 562.30 feet to a station; thence west 1026.30 feet to a station; thence north 47 degrees 15 minutes west, 130 feet to a station; thence along the easterly, northerly, and westerly boundaries of de Laveaga Park, 804 feet to the northwesterly corner of the said de Laveaga Park on the easterly side of the Blackburn Gulch road; thence southwesterly along the easterly side of said road, to a point on the produced southerly boundary line of the Rancho Carbonero; thence west along the said produced southerly boundary line of the Rancho Carbonero to the southeasterly corner of the said Rancho Carbonero; thence westerly along the boundary of the Rancho Carbonero and the Rancho Canada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Pacific Ocean; thence due south into the said Pacific Ocean a distance of three marine miles; thence easterly and following the courses of the indentations of the said Pacific Ocean and of the bay of Monterey, to a point due south of and three marine miles from a point on the said bay of Monterey 410 feet west of the section line between sections nineteen and twenty, township eleven south, range one west, M. D. M.; thence due north to the point of beginning.

ARTICLE II.

POWERS OF THE CITY AND COUNCIL.

SEC. 3. *Rights and succession.* The city of Santa Cruz shall have perpetual succession and shall continue vested with and in control of all property of every kind now belonging to it, with power:

SEC. 4. *Corporate seal.* To have and use a corporate seal; and, when expedient, to alter the device thereon.

SEC. 5. *Actions and proceedings.* To commence, conduct, prosecute, and defend all actions or proceedings for the protection of municipal rights and property.

SEC. 6. *Acquirement and disposal of property.* To acquire, receive, take, have, hold, lease, use, improve, control, and dispose of property of every kind, whether situate within or without the corporate boundaries, for the common benefit of the inhabitants.

SEC. 7. *Gifts and donations.* To receive bequests, gifts, and donations of lands, in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other use, and to manage, sell, lease, or otherwise dispose of the same, absolutely or in accordance with the terms of such bequest, gift, donation, or trust, and to do whatever may be necessary to fulfill the purpose thereof.

SEC. 8. *Buildings.* To acquire, erect, improve, equip, furnish, and maintain, with necessary adjuncts and appendages, all buildings, structures, and places required for public business, education, and recreation, and to regulate the use of the same.

SEC. 9. *Parks and water works.* To acquire, improve, and maintain parks and public playgrounds; and to acquire, construct, maintain, and operate water works, with requisite reservoirs, pipe lines, flumes, aqueducts, hydrants, meters, and contrivances for supplying the city and its inhabitants with water, and to extend the service to rate payers outside of the corporate limits.

SEC. 10. *Public utility systems.* To acquire, lease, construct, operate, and maintain all manner of works and systems for the purpose of supplying the city and its inhabitants with light, gas, heat, transportation, wire, or other service, and to lease to persons, firms, or corporations, for the purpose of maintenance, operation, or use, any public utility owned or controlled by the city, provided that such lease shall be made only by ordinance to the highest bidder therefor and for a period not to exceed five years.

SEC. 11. *Wire and wireless service.* To acquire, have, hold, construct, and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires, and electric, telephone, telegraph, wireless, and aerial apparatus or stations; to require all telegraph, telephone, and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings, and structures for telegraph, telephone, electric light, electric power, and all other electric service.

SEC. 12. *Eminent domain.* To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water-rights, and water works, within or without the corporate limits, gas, electric light, power, and telephone plants, and all other property necessary or desirable for the use of the city or its inhabitants, or which may now or hereafter be subject to condemnation by the laws of this State; and to control, protect, improve, use, and regulate the use of the water front and waterways of and within the city, in any way deemed practicable, for the benefit of the inhabitants and for the accommodation of commerce.

SEC. 13. *Sewers and garbage.* To construct and maintain sewers, drains, and all other works necessary to carry away sewage and storm water, and to construct and maintain incinerators and other works for the disposition or destruction of garbage.

SEC. 14. *Work on streets.* To establish and change the grade and to lay out, open, extend, widen, narrow, change, vacate, pave, repave, gravel, surface, resurface, improve, and keep in order streets, alleys, highways, sidewalks, and crossings and public squares, parks, and places.

SEC. 15. *Obstructions and weeds.* To require the curbs and sidewalks of all streets to be kept clean, clear of weeds, projections, and obstructions, and upon the failure, neglect, or refusal of the owner or occupant of any premises so to do, to have the same done and the expense thereof charged against and become a lien upon the property fronting upon such curb or sidewalk.

SEC. 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending, and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

SEC. 17. *Creation of indebtedness.* To create, subject to the restrictions and limitations of the Constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; *provided, however*, that no indebtedness shall be incurred by contract, bonds, or otherwise, that shall require a tax levy in any one year (in excess of the limit fixed by this charter for general municipal purposes) of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable property of the city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

SEC. 18. *Tax levy exceeding limit.* To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two thirds of the qualified electors voting thereon at a general or special election.

SEC. 19. *Licensing business.* To impose licenses, as a police regulation or for revenue, on any and every kind of business conducted or to be carried on in the city; to fix the sum to be collected for any license so imposed, and to provide the manner to enforce payment thereof; to regulate, restrain, suppress, abate, or prohibit hawking and peddling and the carrying on or maintenance of any laundry, livery or sale stable, cattle or horse corral, or place where cattle, horses, swine, bees, poultry, geese, or pigeons are kept, planing mill, rolling mill, oil well, tank, refinery, foundry, soap works, glue factory, tannery, distillery, brewery, brick yard, slaughterhouse, butcher shop, cement works, quarry, lime kiln, bawdy house, billiard hall, pool room, billboard, penny arcade, moving picture show, nickelodeon, wireless telegraph station, prize fight, rat pit, and all public exhibitions, shows, games, or amusements, within the limits of the city or any designated portion thereof; to prohibit and prevent gambling of every form, name, and description, games of chance, fraudulent devices and practices, all playing of cards, dice, mechanical devices, slot machines, raffles, lotteries, or any other games, devices, or contrivances for the purpose of gambling, obtaining, or distributing goods, wares, merchandise, property, or money by chance or lot, and to authorize the confiscation and destruction of all instruments, machines, implements, and things used in connection with gambling or games of chance; to regulate or prohibit all saloons, bars, bar rooms, or other places where spirituous, malt, vinous, or other alcoholic or intoxicating liquors are sold, dispensed, or given away; to restrain or prohibit all noises from blasting, explosion of powder or fireworks, ringing of bells, beating of drums, blowing of whistles, or operation of machinery; to suppress, abate, and prohibit every act, occupation, business, place, or thing, obnoxious, offensive, immoral, or disreputable, or that is dangerous to life, injurious to health, or subversive of the peace and good order of the city.

SEC. 20. *Police and fire departments.* To organize and maintain police and fire departments.

SEC. 21. *Police and sanitary regulations.* To make, adopt, and enforce all necessary rules and regulations for the prevention of fires, floods, and riots; to provide for and regulate the inspection of food products, and all things intended for human consumption; to provide for the taking and summary destruction of any food or products that are unsound, spoiled, adulterated, or unwholesome, and to prevent the same being brought into, made, kept, or sold in the city; to provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city; and to provide for the inspection and sealing of weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures, duly tested and sealed.

SEC. 22. *Fire limits.* To establish fire limits, determine the character and height of structures therein, and the nature of the materials and appliances to be used in the construction, alteration, or repair thereof, or in the alteration or repair of existing structures.

SEC. 23. *Fire escapes.* To require the owners of structures to provide fire escapes and appliances for prevention and extinguishment of fires.

SEC. 24. *Entrances and exits of structures.* To regulate the size and arrangement of entrances to, and exits from all structures wherein persons assemble for amusement, entertainment, or instruction, and to prohibit obstruction of the aisles thereof.

SEC. 25. *Construction and safety of buildings.* To regulate the construction and ventilation of, and the materials used in all buildings, chimneys, stacks, and other structures; to prevent the erection or maintenance of insecure and unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the construction of bathrooms and toilet conveniences, the manner of construction and the materials used in wiring structures for the use of electricity for lighting, heat, power, or other purposes, and to prohibit the erection of all structures that do not conform to such regulations.

SEC. 26. *Management of municipal property.* To exercise, within constitutional and statutory limitations, all municipal and police powers necessary to the complete and efficient management and control of all municipal property, and for the efficient administration of the municipal government, although such powers may not be herein expressly enumerated.

SEC. 27. *Explosives.* To regulate or prohibit the manufacture, keeping, storage, and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, and all other explosive substances.

SEC. 28. *Inflammable substances.* To regulate the keeping and storage of oil, hay, straw, and all other inflammable substances within the city.

SEC. 29. *Engines and boilers.* To regulate the use of all engines and steam boilers within the city.

SEC. 30. *Public vehicles.* To establish stands for and regulate the charges of hacks, public carriages, automobiles, express wagons, and other public vehicles, kept

or operated for hire, to require the rate regulations to be plainly displayed on such vehicles, and to provide penalties for collecting charges in excess thereon.

SEC. 31. *Nuisances.* To define, prevent, remove, and abate nuisances, and to provide that any expense incurred therein be charged against the party or parties creating, causing, committing, suffering, or maintaining the same.

SEC. 32. *Public nuisance.* To declare any business a public nuisance that is conducted contrary to an ordinance of the city or of the general laws of the State; to provide for the abatement or removal thereof, and for this purpose to summarily take and hold any personal property used or involved therein.

SEC. 33. *Violation of ordinances.* To make the violation of ordinances of the city a misdemeanor and to prescribe the punishment therefor, which shall be by fine or imprisonment, or both; *provided, however,* that no fine shall exceed the sum of five hundred dollars nor imprisonment be imposed to exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California by criminal complaint, or redressed by civil action.

SEC. 34. *Animals running at large.* To establish pounds and pound districts, and to provide for the supervision and control thereof, and to prohibit the running at large of all animals in violation of the regulations enacted in relation thereto.

SEC. 35. *Cruelty to animals.* To prohibit and punish cruelty to animals, and to require places where they are kept to be maintained in a sanitary condition.

SEC. 36. *Speed regulation.* To regulate the speed of railroad trains, engines, electric cars, automobiles, and all other vehicles within the city to require railroad companies either to keep flagmen or gates, or to construct viaducts at all streets and crossings.

SEC. 37. *Franchises.* To grant franchises.

SEC. 38. *Creation of offices.* To create offices other than those established by this charter or by the general law, whenever the public business may require, to prescribe the duties pertaining to the offices so created; and to provide for appointments to and removal from such offices, and fix the compensation of the incumbents thereof.

SEC. 39. *Municipal elections, precincts, and offices.* To provide for holding municipal elections, give notice thereof, establish and alter election precincts, and to appoint and fix the compensation of all election officers.

SEC. 40. *General power.* To do and perform whatsoever is necessary and convenient in municipal administration for the benefit of the inhabitants of the city, and to do any act which is by this charter, or by any general law now or hereafter in force, authorized to be done; *provided,* that the question of acquiring by lease, purchase, or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the city, shall be submitted to the voters of the city in the same manner as other propositions, at a general or special election, and such property or plant shall not be acquired unless a majority of the electors voting at such election, vote in favor thereof. It is, however, expressly provided that nothing herein contained shall be construed as requiring a vote of the electors on a proposition to acquire any property or expend any money, for the purpose of extending, or developing such property or any property or plant now owned or operated by the city, or which it may, in accordance with the provisions of this charter, acquire in the future.

SEC. 41. *Ordinances, resolutions, and orders.* To adopt and enforce ordinances, resolutions, and orders not repugnant to the provisions of this charter, the Constitution of the United States, or the State of California, or general laws and to establish all such measures and regulations, in the absence of express provision therefor in this charter, as the council may deem expedient or necessary for the promotion of the peace, health, comfort, safety, life, happiness, and welfare of the inhabitants of the city, the protection of property, the preservation of order, and the suppression of vice.

ARTICLE III.

ELECTIONS.

SEC. 42. *General and special municipal elections.* A municipal election shall be held in the city on the first Tuesday after the first Monday in May in the year 1911, and on the first Tuesday after the first Monday in May in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as hereinafter provided in this charter, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by or under the authority of this charter or of the general law shall be known as special municipal elections.

SEC. 43. *Nomination and election of all elective officers.* The mode of nomination and election of all elective officers of the city to be voted for at a municipal election, shall be as follows and not otherwise.

SEC. 44. *Condition of candidacy.* The candidate, not later than the presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDATE.

I, _____, residing at No. _____ street, Santa Cruz, California, being duly sworn, hereby declare myself a candidate for the office of _____ to be voted for at the _____ municipal election to be held in the City of Santa Cruz, on the _____ day of _____, 19____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ. } ss.
CITY OF SANTA CRUZ. }

Subscribed and sworn to before me this _____ day of _____, 19____.

City Clerk (or Notary Public).

SEC. 45. *Name printed on ballot.* The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth, such candidate not having withdrawn under the provisions of this article.

SEC. 46. *Form of nomination petition.* The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.
Individual Certificate.

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ, } ss.
CITY OF SANTA CRUZ. }

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ street, Santa Cruz, California, for the office of _____ to be voted for at the _____ municipal election to be held in the said city of Santa Cruz, on the _____ day of _____, 19____; and I further certify that I am a qualified elector of the said city, that I have not signed more petitions for the above named office than there are places to be filled, that my residence is at No. _____ street, Santa Cruz, California, and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ, } ss.
CITY OF SANTA CRUZ. }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed) _____

Subscribed and sworn to, this _____ day of _____, 19____, before me,

Notary Public (or Verification Deputy).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Santa Cruz, California.

SEC. 47. *Forms to be supplied by city clerk.* It shall be the duty of the city clerk to furnish, upon application therefor, a reasonable number of individual certificates of the above character.

SEC. 48. *Requirements of certificates.* Each certificate must be a separate paper. All certificates must be of a uniform size, determined by the city clerk. Each certificate must contain the name of one signer only, and of but one candidate. Each signer of a certificate must be a qualified elector of the city, and must not at the time of signing said certificate have his name signed to more certificates for candidates for that office than there are places to be filled for such office. If an elector signs more certificates than there are places to be filled for such office, all such certificates shall be rejected. Each signer must verify his certificate before a notary public or verification deputy. Each certificate shall contain the name and address of a person to whom the petition is to be returned if found insufficient.

SEC. 49. *Arrangement of certificates.* Individual certificates constituting a nominating petition shall, before presentation to the city clerk, be arranged alphabetically for each municipal election precinct and numbered beginning with the number 1, and shall be bound into a book by fastening the same together with a staple, wire, thread, or other suitable material.

SEC. 50. *Verification deputies.* Verification deputies must be qualified electors of the city, appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall state that the signers thereto desire to procure the signatures of electors for the nomination of candidates for municipal office, or for the recall of an incumbent of an elective office, at an

election therein specified, and that the applicants desire the person or persons whose names and residences are given, appointed verification deputies. The order of appointment shall authorize such persons to administer the verification oath to signers of nominating or recall petition. Such deputies shall use no seal, and have no authority to administer any other oath. Such appointments shall terminate when all of said petitions of nomination or recall have been filed by the city clerk. No verification deputy shall be paid directly or indirectly out of the city treasury.

SEC. 51. *Date of presenting of petition.* A petition of nomination for any one candidate shall consist of not less than twenty-five individual certificates and shall be presented to the city clerk not earlier than thirty-five, nor later than twenty-five days before the election, who shall endorse thereon the date upon which the petition was presented to and filed by him.

SEC. 52. *Examination of petition by city clerk.* When a petition of nomination is presented for filing, the city clerk shall forthwith examine the same and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there note in writing on said petition the deficiency therein and return the petition to the person who presented the same. The petition may then be amended, and again presented for filing as in the first instance. The city clerk shall forthwith examine the amended petition as heretofore provided.

SEC. 53. *Withdrawal of candidate.* Any person whose name has been presented as a candidate for municipal office may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and the name so withdrawn shall not be upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

SEC. 54. *Filing petitions.* If either the original or the amended petition of nomination be found sufficiently signed and in proper form as heretofore provided, the city clerk shall, within not less than twenty days before the date of the election, file the same. When a petition of nomination shall have been filed by the city clerk, it shall not be altered, added to, or amended.

SEC. 55. *Preservation of petitions.* The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under the provisions of this article.

SEC. 56. *Election proclamation.* Immediately after all petitions are filed, the city clerk shall enter the names of the candidates in a list, together with the offices to be filled, and not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Santa Cruz, and the council shall cause said certified list, together with the offices to be filled, designating whether for full or unexpired terms, to be published in a proclamation calling the said election, for ten successive days before the election, in not more than one daily newspaper of general circulation published in the city of Santa Cruz. Said election proclamation shall conform to the general law of the State applicable thereto, except as otherwise provided in this charter.

SEC. 57. *Form of ballots.* The city clerk shall cause ballots to be printed, bound, and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain a list of the respective offices and the names of all candidates, as published in the election proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF SANTA CRUZ.

(Insert date thereof.)

Instructions to voters. To vote, stamp a cross (X) in the square opposite the name of the candidate or candidates for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface a ballot, return it to the inspector of the election, and obtain another.

SEC. 58. *Requirements of ballot.* All ballots shall be printed on the same size, quality, and tint of paper, in like type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another. The names of all candidates printed upon the ballot shall be in type of the same size and style, and shall be arranged in alphabetical order, for each office. Nothing on the ballot shall indicate the source of support of any candidacy. A column shall be provided on the right of the ballot for charter amendments or other questions to be voted upon.

SEC. 59. *Names on ballot.* The name of every candidate nominated, and who has not withdrawn his name, shall be printed upon the ballot.

SEC. 60. *Arrangement of ballot.* The offices to be filled shall be arranged in separate columns in the following order:

For mayor vote for one.

For commissioner vote for _____ (giving number).

For auditing committee vote for _____ (giving number).

For member of board of education vote for _____ (giving number).

SEC. 61. *Space for cross.* A half-inch square shall be provided at the right of the name of each candidate on the ballot, within which to stamp a cross.

SEC. 62. *Blanks for additional names.* Half-inch spaces shall be left below the printed names of candidates for each office, equal to the number to be voted for for that office, wherein the voter may write the name of any person or persons for whom he may desire to vote.

SEC. 63. *Sample ballots.* The city clerk shall cause to be printed sample ballots, identical in form (but not in color of paper), with the ballot to be used at the election, and shall furnish copies of the same to registered voters of the city upon application therefor at least five days before the date of the election, and shall mail such sample ballot to each registered voter at least three days before such election.

SEC. 64. *Vote necessary for election.* When there is but one person to be elected, the candidate receiving a majority of the votes cast for the office shall be declared elected; when two or more persons are to be elected, then those candidates equal to the number to be elected, who receive the highest number of votes, shall be declared elected; *provided*, that no person shall be declared elected to any office at the first election, unless the number of votes received by him shall be greater than one half the number of ballots cast for all the candidates for that office.

SEC. 65. *Second election.* If at any election held as above provided there be any office or offices to which the required number of persons was not elected, then as to such office or offices the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill such office or offices. The candidates not elected at such first election, equal in number to twice the number to be elected to any office, or less if so there be, who receive the highest number of votes for the respective offices at the first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then the council shall determine and select by lot which of said candidates shall become a candidate at said second election, and the candidates so selected by the council shall be the only one of said candidates receiving an equal number of votes at said primary election who shall become a candidate at such second election.

SEC. 66. *Date of second election.* When necessary, a second election shall be held on the second Tuesday after the first election.

SEC. 67. *Rules governing the second election.* All provisions above specified, so far as applicable, shall govern the second election, except that notice of said second election need be published but twice, and provided also that the same precincts and polling places shall, if practicable, be used.

SEC. 68. *Failure of person elected to qualify.* Every person elected shall qualify within ten days after his election, or within ten days after notice thereof, and on failure to so qualify, the office shall be filled in the manner provided for filling vacancies.

Upon the declaration of the result of the election, the clerk shall deliver to the person elected, or send him by registered mail to his last known address, a written notice of his election.

SEC. 69. *Informalities in election.* No informalities in conducting municipal elections shall invalidate the same.

SEC. 70. *General election regulations.* The provisions of the general law of the State relating to the qualifications of electors and elections shall govern all municipal elections, unless otherwise provided for in this charter. The council shall canvass the election returns within four days after every election, and declare the result thereof.

SEC. 71. *Voting machines.* The council may provide for the use of voting machines.

SEC. 72. *Election precincts, officers, and compensation.* The council shall subdivide the city into election precincts for election purposes, and may change and alter such precincts as often as occasion may require. Such precincts shall be sufficient to limit the number of votes polled in any one election precinct to approximately four hundred. In establishing such precincts, the council may consolidate those which existed at the last preceding general state election, to a number not exceeding three for each municipal or consolidated precinct, and shall number such precincts so established consecutively, and each precinct so established shall, for the purpose of municipal elections, be known by the number so designated. The board of election in each municipal election precinct at all municipal elections shall be composed of five qualified electors of the city, appointed by the council. The compensation of members of the election board shall not exceed four dollars for services at any municipal election.

ARTICLE IV.

ELECTIVE OFFICERS.

SEC. 73. *Elective officers.* The elective officers of the city shall be a mayor and four commissioners, who shall constitute the council, an auditing committee of three members; and a board of education of five members.

The mayor and each commissioner shall have the right to vote on all questions before the council. Each member of the board of education shall have the right to vote on all questions before said board.

SEC. 74. *Elected at large.* All elective officers shall be elected at the general municipal election, on a general ticket, from the city at large.

SEC. 75. *Mayor's term of office.* The mayor shall hold office for the term of two years from the first Monday in July, after his election, and until his successor is elected, or appointed, and qualified.

SEC. 76. *Commissioners' term of office.* The commissioners shall hold office for the term of four years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot, that two of them shall hold office for two years and two of them for four years. At each general election held under this charter, there shall be elected at least two commissioners.

SEC. 77. *Auditing committee's term of office.* The members of the auditing committee shall hold office for the term of two years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified.

SEC. 78. *Members of board of education.* The members of the board of education shall hold office for four years from the fourth Monday in May, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the members of the board of education first elected shall, at their first meeting, so classify themselves by lot that three shall serve for two years and two for four years. All members of the board of education elected thereafter shall be chosen at general municipal elections for the term of four years.

SEC. 79. *Commencement of term of office.* The term of each elective officer shall commence at twelve o'clock noon on the days fixed in this charter.

SEC. 80. *Official bonds.* The city clerk and assessor, and the treasurer and tax and license collector each shall, before entering upon the discharge of the duties of his office, give and execute to the city of Santa Cruz a bond as hereinafter provided.

The bond of the city clerk and assessor shall be in the penal sum of two thousand five hundred dollars; of the treasurer and tax and license collector in the penal sum of twenty thousand dollars.

Every bond shall contain the condition that the principal will faithfully perform all official duties. Official bonds must be signed by the principal and at least two sureties, or executed by an approved surety company.

No bond signed by individuals shall be approved unless each surety justifies before an officer authorized to administer oaths, as follows:

That he is a resident and freeholder within the county of Santa Cruz; that he is worth the amount for which he becomes surety over and above all his debts and liabilities, in unincumbered property situate within the State of California, exclusive of property exempt from execution and forced sale.

The council may, by ordinance, increase or require a bond from any officer.

The approval of official bonds must be endorsed thereon by the officer or board approving the same. Approved bonds shall be filed with the city clerk, but the bond of the city clerk shall, after filing, be kept by the mayor.

Any official bond required may be executed by some approved surety company, and the premium charged therefor shall be paid by the city.

SEC. 81. *Oath of office.* Every officer of the city shall, before entering upon the discharge of the duties of his office, take, subscribe, and file with the city clerk, the following oath of office:

I solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, the Constitution of the State of California, and the charter of the city of Santa Cruz, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability.

(Signed) _____

Subscribed and sworn to, this _____ day of _____ 19____, before me,

City Clerk (or Notary Public).

SEC. 82. *Salaries.* The mayor shall receive an annual salary of twelve hundred dollars, and each commissioner an annual salary of nine hundred dollars, payable in equal monthly installments.

SEC. 83. *Administration of oaths. Subpoenas.* Every elective officer, every chief official, and every member of any board provided for in this charter, shall in all matters pertaining to the business of the city, have power to administer oaths or affirmations, and the head of every department shall have the power to issue subpoenas to compel the production of books, papers, and documents, and to hear and take testimony concerning any matter or thing pending before the council or under the supervision of such department. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper, or document, as required by such subpoena, or refuse to testify before the council or before any such board or department, or to answer any question which any such officer or head of department

shall decide to be proper and pertinent, he shall be deemed in contempt, and the council, or any such officer or board, shall have power to take proceedings in that behalf provided by the general laws of the state.

ARTICLE V.

QUALIFICATION OF OFFICERS. VACANCIES.

SEC. 84. *Qualification of mayor, commissioners, and auditing committee.* The mayor, commissioners, and members of the auditing committee, must be citizens of the United States, who shall have attained the age of twenty-five years, they must be electors of the city of Santa Cruz, and shall have been residents of the city for three years next preceding the election.

SEC. 85. *Qualification of members of the board of education.* The members of the board of education must be citizens of the United States, who shall have attained the age of twenty-five years, and shall have been residents of the city for three years next preceding the election.

SEC. 86. *What constitutes a vacancy.* A vacancy shall exist in any elective office when the person elected thereto fails to qualify, dies, resigns, is removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony or of a misdemeanor connected with his duties in office, is judicially determined to be incompetent, forfeits his office under any provision of this charter, or is removed from office by judicial proceeding.

SEC. 87. *Vacancy in council.* Any vacancy arising in the council shall be filled by the members thereof. Such appointment shall require the votes of at least three members of the council. In the event that three members of the council fail to appoint a person to fill such vacancy within ten days after its occurrence, then said vacancy shall be filled by a person selected by the auditing committee.

SEC. 88. *Vacancy in board of education.* Any vacancy occurring in the board of education shall be filled as provided by general law of the State.

SEC. 89. *Vacancy in auditing committee.* Any vacancy occurring in the auditing committee shall be filled by the committee. Should said committee fail to fill such vacancy within ten days, the same shall be immediately filled by appointment by the mayor.

SEC. 90. *Appointees to elective offices.* Appointees filling vacancies in elective offices shall hold office until the next general municipal election, when their successors shall be elected, for the unexpired or full term as the case may be.

ARTICLE VI.

THE RECALL.

SEC. 91. *Applies to all elective officers.* Every incumbent of an elective office shall be subject to removal therefrom as follows:

SEC. 92. *Petition for recall.* A petition signed by qualified electors equal in number to fifteen per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, at which a mayor was elected, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the council and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election.

SEC. 93. *Form of petition.* The petition for recall and removal from office shall be substantially in the following form:

(Individual certificate)

PETITION TO THE COUNCIL REQUIRING A SPECIAL MUNICIPAL ELECTION.

(If such be the case.)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of (name of office): (here insert the reasons).

Reasons against the recall of (name of officer) from the office of (name of office): (here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Santa Cruz, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of said city; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA.

COUNTY OF SANTA CRUZ.

CITY OF SANTA CRUZ.

} ss.

....., being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed)

Subscribed and sworn to,
19...., before me,

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part shall, if found deficient, be returned to at No. street, Santa Cruz, California.

SEC. 94. *Filing and examination of petition.* Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. Such certificates shall be fastened together and bound as nearly as may be in lots of one hundred. Upon receipt of such petition, the city clerk shall endorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this charter.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition containing additional certificates. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the council.

SEC. 95. *Statement of intention to circulate petition.* Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall, shall be made; one to be filed with the city clerk, one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Said affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

SEC. 96. *Election under recall petition.* If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition to determine whether said officer shall be recalled; but if a general or special municipal election is to occur within sixty days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

SEC. 97. *Life of petition.* If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

SEC. 98. *Grounds of recall. Officer's justification.* There shall be printed on the sample and the official ballots the statement of the reasons for the recall of the officer, and his answer, if any.

SEC. 99. *Recall ballots.* The ballots at every election at which recall is to be voted upon, shall contain the following question:

Shall (name of officer) be removed from the office of (name of office)?

Following the question shall be printed the words "Yes" and "No", on separate lines, with a voting square at the right of each, in which the voter shall stamp a

cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon. The call for elections under this article shall be the same as the call for general or special municipal elections.

SEC. 100. *What constitutes a recall.* After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the council has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof, and thereupon said office shall become vacant.

SEC. 101. *No recall petition for three months.* No recall petition shall be filed against any officer until he has held his office for three months.

SEC. 102. *Ineligibility of recalled official.* Any person who shall have been recalled, or who shall have resigned while recall proceedings were pending, shall not hold any municipal office within four years thereafter.

ARTICLE VII.

THE LEGISLATIVE DEPARTMENT.

SEC. 103. *The governing body.* The council shall be the governing body of the municipality, exercise the corporate powers of the city, and be vested with all powers of legislation in municipal affairs not in conflict with the Constitution of the United States, the Constitution and general law, and the provisions of this charter.

SEC. 104. *President and vice-president of the council.* The mayor shall be president of the council and preside at its meetings. The council shall elect one of its members vice-president.

SEC. 105. *Meetings of the council.* At twelve o'clock noon on the first Monday of July after canvass of the returns of each general municipal election, the council shall meet, at which time the newly elected mayor, commissioners, and auditing committee, shall assume the duties of their respective offices. The council shall meet in regular session at least once a week.

Special meetings of the council shall be held upon the call of the mayor or upon written request of two commissioners, filed with the city clerk, provided, that the said call or written request shall set forth the object of the meeting. The city clerk shall give reasonable notice to the mayor and to each commissioner of the time of said meeting and the object thereof, and no other business than that specified in the call or written request shall be transacted.

SEC. 106. *Meetings to be public.* All meetings of the council shall be public.

SEC. 107. *Quorum.* A majority of the council shall constitute a quorum, but no ordinance, resolution, order, or motion shall be passed or adopted except by affirmative vote of three members.

SEC. 108. *Rules of procedure.* The council shall act only by ordinance, resolution, order, or motion, and shall adopt rules of procedure.

SEC. 109. *Ayes and noes.* The council shall pass ordinances and adopt resolutions by ayes and noes, entered upon its minutes, and a roll call be had upon any order or motion on demand of any member. But no ordinance or resolution shall be placed upon final passage the day it is introduced unless by consent of all members present.

SEC. 110. *Enacting clause of ordinance.* The enacting clause of every ordinance shall be: "Be it ordained by the city of Santa Cruz as follows:—"

SEC. 111. *Reconsideration.* When any ordinance or resolution is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote thereon shall not be taken for at least one week thereafter.

SEC. 112. *Protection of absent commissioner.* In the absence of a commissioner, no final action shall be taken concerning his department, except at a regular meeting, or unless such matter has been made a special order at a meeting at which such commissioner was present.

ARTICLE VIII.

THE EXECUTIVE DEPARTMENT.

SEC. 113. *The chief executive.* The mayor shall be the chief executive officer of the city, and shall see that the charter and all laws, ordinances, and resolutions enacted or passed are enforced. He shall have a general oversight of departments of the municipal government, and shall see that all contracts made with the city are faithfully performed. He shall command the police force of the city, with the aid of the commissioner of public health and safety, for the preservation of public peace and order and the suppression of tumults, riots, or insurrections.

SEC. 114. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act in his stead. In case of the temporary absence or disability of both, the council shall elect one of its members acting mayor. If a vacancy occur in the office of mayor, the vice-president of the council shall act as mayor until such vacancy is filled.

SEC. 115. *Mayor's messages.* The mayor shall, by annual or special message, recommend to the council such matters and policies as he deems expedient.

SEC. 116. *Supervision of public utilities.* The mayor shall have general supervision of all persons, firms, corporations, and concerns controlling or operating public utilities, in so far as they are subject to municipal control. He shall keep himself informed as to their compliance with law or ordinance, and shall see that the provisions of all franchises, permits, and privileges granted by the city, are faithfully observed.

The council shall cause to be instituted such actions or proceedings as may be necessary to prosecute persons, firms, corporations, or concerns owning, controlling, or operating public utilities, for violations of law or ordinance, so as to revoke, cancel, annul, or regulate the exercise of all franchises, permits, and privileges that may have been granted, which may have become forfeitable, in whole or in part, or which, for any reason, are illegal, or void, or voidable, or negligently exercised. The city attorney, by order of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 117. *Executive and administrative departments.* The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or municipal ordinance.

The executive and administrative powers, authority, and duties of the city, not otherwise provided for in this charter, shall be divided into five general departments, as follows:

1. Department of public affairs, which shall be under the supervision of the mayor.

2. Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.

3. Department of public health and safety, which shall be under the supervision of the commissioner of public health and safety.

4. Department of public works, which shall be under the supervision of the commissioner of public works.

5. Department of streets and parks, which shall be under the supervision of the commissioner of streets and parks.

SEC. 118. *Council to assign powers and duties.* The council shall, within ten days after each general municipal election, designate and assign one of the commissioners to be commissioner of revenue and finance, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of streets and parks. The council may change such assignments, except that of the department of public affairs, by ordinance, whenever it shall appear to its satisfaction that the public service would be improved thereby. The council shall define, by ordinance, the powers and duties of all officers and employees, when the same are not prescribed by this charter, and may assign to departments, officers, boards, and employees, powers and duties other than and in addition to those prescribed by this charter, not inconsistent therewith; may detail or reassign particular officers or employees for duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations not in conflict with law or this charter for the efficient and economical conduct of the business of the city.

Except as otherwise provided in this charter, the several departments shall be composed, organized, and conducted, and the persons employed therein shall be chosen, as the council may by ordinance provide, and the council must, at all times, keep in full force and effect, ordinances sufficiently providing therefor.

SEC. 119. *Department of public affairs.* All matters affecting the relations of the city with the United States, or any of the states, the county, or other municipalities, shall be referred to the department of public affairs, and this department shall have supervision over all boards appointed by the mayor.

SEC. 120. *Department of revenue and finance.* The department of revenue and finance shall have supervision over all financial matters, except as elsewhere provided in this charter, including the office of treasurer and tax and license collector.

SEC. 121. *Department of public health and safety.* The department of public health and safety shall have supervision over and shall include the police, fire, electrical, and health departments, the municipal employment office, and the office of plumbing and building inspector.

SEC. 122. *Department of public works.* The department of public works shall have supervision of the acquisition, construction, alteration, repair, operation, and maintenance of all buildings, wharves, docks, slips, quays, and water front property, water works, and other public utilities of every kind and nature, owned or hereafter to be acquired or operated under the control of the city, not in this charter assigned to another department.

SEC. 123. *Department of streets and parks.* The department of streets and parks shall have supervision of the parks and the streets of the city, except where a part of any wharf, dock, slip, or quay belonging to or under the control of the city encroaches upon any street; also supervision of all work done on, in, under, or over the streets, except as aforesaid, whether of construction, maintenance, or repair, and of all sewers, pipes, conduits, tunnels, and other installations placed under the streets, and of all poles, tracks, and other installations placed on or above the

streets. Any quarries or plants operated by the city for the making or assembling of any substance or materials for use in the building, maintenance, or repair of streets, shall be under the supervision of and be conducted by said department.

SEC. 124. *Chief officials.* The chief officials of the city shall be a city attorney; a police judge; a treasurer, who shall be ex officio tax and license collector; a city clerk, who shall be ex officio city assessor; a city engineer and surveyor; a chief of police; a chief of the fire department; an assistant chief of the fire department; a health officer; a city superintendent of public schools; a street superintendent; a superintendent of the electrical department; a plumbing and building inspector; a superintendent of water works; and five library trustees. The council shall by ordinance prescribe the duties of all the chief officials appointed by it, other than those specified in this charter, and impose on them other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of three members, may consolidate and place in charge of one chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three members to remove from office any of the chief officials of the city appointed by it, except the police judge.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council, except the city superintendent of public schools.

SEC. 125. *The city attorney.* The city attorney shall be appointed by the mayor, and confirmed by the council. He must be a citizen of the United States, admitted to practice in all of the courts of this State, a resident and elector of the city of Santa Cruz for three years next preceding his appointment. He shall prosecute all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the rights of the city are involved; *provided*, that the council shall control all litigation and may employ attorneys to take charge of or to assist the city attorney in any litigation. The city attorney shall attend all regular meetings of the council, and shall give his advice or opinion in writing upon any question relating to municipal business, whenever requested so to do by the council, or any of the boards or officers of the city. He shall pass upon the form of all bonds given to and contracts made by the city, endorsing his approval or disapproval thereon. He shall, whenever required by the council, draft ordinances for the city and amendments thereto; he shall do and perform such other acts relating to his office as the council or the mayor shall require.

SEC. 126. *Police judge.* The police judge shall be appointed by the commissioner of public health and safety, and confirmed by the council. He shall be assigned to the department of public health and safety.

SEC. 127. *Treasurer and ex officio tax and license collector.* The treasurer shall be appointed by the commissioner of revenue and finance, and confirmed by the council. He shall be assigned to the department of revenue and finance. The treasurer shall be ex officio tax and license collector. As tax collector he shall perform the duties in this charter and by the general laws of the State provided. As license collector he shall collect and receive all moneys due and owing to the city for licenses. As treasurer he shall receive, safely keep, and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this charter, and shall keep an accurate account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this charter. The treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the city clerk, stating the amount of the same and to what fund applicable and by whom to be paid. For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the city clerk before delivery to the party making payment, and the other shall be delivered to and retained by the city clerk. The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed, and audited in the manner provided by this charter. The treasurer shall make monthly statements to the council of the receipts and expenditures of the preceding month. At no time shall the weekly balance in the vaults of the treasury exceed the sum of five thousand dollars; *provided*, that applications are on file with the treasurer from a bank or banks in the city of Santa Cruz, for the deposit of municipal funds in accordance with the laws of the state. The treasurer shall perform such other duties as may be imposed by ordinance or the provisions of this charter.

SEC. 128. *City clerk and ex officio assessor.* The city clerk and ex officio city assessor shall be appointed by the council. He shall be clerk of the council. He shall be custodian of deeds and other evidences of the title to city property. He shall deliver such deeds and evidences of title to his successor. He shall keep the corporate seal, all books, papers, records, and archives of the city, not in use or possession of other officers under the provisions of this charter, or by ordinances of the city. He shall attend the meetings of the city council and of the board of equalization and keep a correct record of their proceedings. He shall keep books and record therein all ordinances, and index the same, and shall file and keep on file all contracts and official bonds, except as otherwise herein provided. He shall attest the signature of the mayor and shall have power to take affidavits and to administer oaths in all matters relating to the business of the city, but shall make no charge therefor.

The city clerk shall keep a record of all demands against the city allowed by the council, and against the library fund allowed by the board of library trustees, and approved by the mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the council, and certify the same before turning the roll over to the tax collector. He shall, upon the application of any person indebted to the city, or of any officer or person desiring to pay or holding money payable into the city treasury, certify to the city treasurer the amount thereof, to what fund to be applied, and by whom to be paid; he shall, upon the order of the city treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the city treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and notify the city treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon money is to be paid for the use of the city, and charge such officer with the amount. No license or permit shall be valid unless countersigned by him. He shall, at the first meeting in each month, and oftener if required, report to the council the condition of each fund in the treasury. He shall, at the first meeting of the council in January and July of each year, report the amount of, and sources from which the revenue of the city was derived, how expended, and the unexpended balance in each fund. He shall keep a set of books, in which shall be plainly set forth every money transaction of the city, showing the condition of the finances.

The city clerk shall attest all ordinances and resolutions, and countersign all warrants drawn upon the city treasurer, signed by the mayor. He shall formulate and submit to the council for approval, a system of books and records to be kept, and forms for reports to be made by each department to the council, which, after approval, shall continue in force until otherwise ordered. He shall perform such other duties as are required of him by law, ordinance, or this charter.

SEC. 129. *Ex officio city assessor.* As ex officio city assessor, the city clerk shall perform all duties prescribed by this charter or by the laws of the State of California, for assessing property in the city for purposes of taxation, and shall collect taxes upon personal property required to be collected by the assessor; *provided, however,* that the council shall have authority to avail itself of the provisions of any act of the legislature requiring county assessors to make assessments or to furnish copies thereof for cities, of property situated therein.

SEC. 130. *City engineer and surveyor.* The city engineer and surveyor shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall be an elector of the city, a civil engineer and licensed surveyor, of not less than two years' practical experience. He shall possess the power in the city in making surveys, plats, and certificates, given by law to city engineers or to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, force, and effect given by law to those of city engineer or county surveyors. He shall be the custodian of all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in order, with full indexes, and shall turn over the same to his successor, who shall give duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control, for the city, during his term of office, shall belong to the city.

SEC. 131. *Street superintendent.* The street superintendent shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall see that the laws, ordinances, orders, and regulations relative to public streets and parks are carried into execution and penalties for breaches thereof enforced. He shall, under the direction of the commissioner of streets and parks, superintend the construction and repair of streets, sewers, and bridges, and the cleaning, sprinkling, oiling, and draining of streets and the flushing of sewers; he shall have the general care of, and frequently inspect the same, approve or reject all materials for construction or repair of streets, sewers, and bridges, whether by contract or otherwise, and report to the commissioner of streets and parks all deviation from contracts and specifications, use of improper materials, or defective work. He shall perform such other services as are required of him by the commissioner of streets and parks, by this charter, ordinances, or the general law.

SEC. 132. *Superintendent of the electrical department.* The superintendent of the electrical department shall be appointed by the commissioner of public health and safety, confirmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, this charter, the ordinances, or general law.

SEC. 133. *Plumbing and building inspector.* The plumbing and building inspector shall be appointed by the commissioner of public health and safety, con-

firmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, by this charter, the ordinances, or general law.

SEC. 134. *Superintendent of public schools.* The city superintendent of public schools shall be appointed by the board of education. He shall perform the services required of him by the board of education, by this charter, and the general law.

SEC. 135. *Superintendent of water works.* The superintendent of water works shall be appointed by the commissioner of public works, confirmed by the council, and assigned to the department of public works. He shall perform such services as are required of him by said department, by this charter, the ordinances, and general law.

SEC. 136. *Library trustees.* The library trustees shall be appointed by the mayor and confirmed by the council. They shall perform the services required of them by this charter, the ordinances, and general law.

SEC. 137. *Auditing committee.* The auditing committee shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, to examine, once a year, or oftener, if in the judgment of the auditing committee advisable, the books, records, and reports of the city clerk, and of all officers and employees who receive or disburse moneys, and the books, records, and reports of such other officers and departments as the auditing committee may direct. He shall also examine the proceedings of the city council in relation to the purchasing of supplies, letting of contracts, payment of salaries and wages, and all matters and things connected with the business management of the city, and shall report in writing the purchase of any supplies at a cost exceeding the market value at the time of such purchase, as well as every case of letting of contracts unfairly. He shall examine all work done by the council other than by contract to the lowest bidder, and report in writing his conclusions as to the relative cost of work done by the city and that performed by contract. He shall make a copy of his report for the mayor, the auditing committee, the city clerk, and the public library. Such accountant shall recommend ways and means to improve the methods of keeping the books, records, and accounts of the city. The members of the auditing committee, and the accountant, shall have unlimited opportunity of investigation, to examine under oath all officers, clerks, and employees of the city, and every such officer, clerk, and employee shall give all required assistance and information to the members of said auditing committee and said accountant, and shall submit to any of them for examination such books, papers, and records of his office as may be required. Failure so to do shall be cause for forfeiture of office or dismissal from employment. The compensation of said accountant shall be fixed by the auditing committee, and paid as other claims against the city. Whenever requested so to do by the auditing committee, the council shall have the report of the said accountant printed in pamphlet form for distribution and publicity. The auditing committee shall keep a file of its proceedings open to public inspection, and which shall include all accountant and expert reports. It shall also file any written reports or complaints by citizens as to charges of mismanagement of officers or employees. Said auditing committee may publish and file a report, and any member thereof may file a report, whenever deemed necessary.

SEC. 138. *Approval of bonds.* All official bonds shall have endorsed thereon the approval of the auditing committee.

SEC. 139. *Compensation of officers and employees.* The compensation of all city officers, officials, and employees, not fixed by this charter or otherwise provided, shall be fixed by the council, except where a person, board, or body other than the council, is empowered to employ. No officer, official, or employee of the city shall receive any perquisite other than the salary or compensation provided for in this charter or by the council or other person or board. All fees received or collected by any officer, official, or employee of the city, shall be paid into the city treasury.

SEC. 140. *Reports of departments.* All officers and boards shall render and file with the city clerk, annually, or when required by the council, full written reports of the business transacted by each of them and their subordinates subsequent to their last report, together with comments on and recommendations for the betterment of the work of their respective offices or departments.

SEC. 141. *Officials to hold but one office.* The mayor, commissioners, and chief officials shall not hold any other offices or employment in the city, the salary or compensation of which is paid either directly or indirectly by the city. Neither the mayor nor any commissioner shall be eligible to any municipal office created by, or the compensation of which has been increased by the council while he is a member, until at least one year shall have elapsed after the expiration of the term for which he was elected, nor shall any member of the council be selected to fill any vacancy that may occur in any other office subject to confirmation or appointment by the council, during the term for which he was elected.

ARTICLE IX.

JUDICIAL DEPARTMENT.

SEC. 142. *Police court.* The judicial power of the city shall be vested in a police court, which shall be presided over by a police judge.

SEC. 143. *Qualifications of police judge.* The police judge shall have been a

resident of the city for one year next preceding his appointment, an elector thereof, and must have been admitted to practice as an attorney and counselor at law in all of the courts of the State.

SEC. 144. *Disqualification of police judge.* In all cases where, under the laws of this state, a justice of the peace is disqualified, or when, for any reason, the police judge is unable to act, he shall call a justice of the peace of Santa Cruz County to hold court in his stead.

SEC. 145. *Appointment and compensation.* The police judge shall be appointed for a term of four years. His compensation shall be fixed by the council.

SEC. 146. *Powers of police court.* The police court shall have same jurisdiction, civil and criminal, as justices of the peace of townships, and justices' courts in townships. The police court shall have exclusive jurisdiction of all civil and criminal actions or proceedings for the violation of any ordinance of the city, and of all actions for the collection of any license imposed by any ordinance of the city, except such actions as are within the original jurisdiction of the Superior Court of Santa Cruz County. The police judge shall have power to impose fines upon or to imprison persons adjudged guilty of a violation of any ordinance of the city, and such fine or imprisonment shall be in accordance with the terms of such ordinance, *provided, however,* that such fine shall not exceed five hundred dollars, and such imprisonment shall not exceed six months in the county jail or city prison, and the sentence administered shall not be greater than both such fine and imprisonment. In case of imprisonment for non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed, and the police judge shall have power, in sentencing any person adjudged guilty of and fined for any offense, or sentenced to be imprisoned therefor, or both, to cause such person to labor upon the public streets or upon any public works of the city during the period of such sentence. All provisions of the several codes and of the statutes of this State, relating to procedure in justices' courts, are applicable to procedure in the police court. It may issue all writs and process which may be issued by justices of the peace, or justices' courts, and the police judge may certify and take depositions, affidavits, and acknowledgments. Any warrant, writ, summons, or other process, issued by the police court, may be directed to the chief of police or to any sheriff or constable, who shall serve and return the same. The police court shall always be open for the transaction of business.

SEC. 147. *Books and papers to be kept by police judge.* The police judge shall keep a civil and a criminal docket, which shall contain an index and a page or pages for each case or proceeding, and there shall be entered therein a brief description of every paper filed or issued by said court, and of every proceeding and of the action or proceeding, including the judgment rendered therein. He shall keep all of the papers on file in his office, in a neat and orderly manner, properly indexed. The records of the court or judge shall belong to the city.

SEC. 148. *Appeals.* Appeals may be taken to the superior court from any judgment or order of the police judge or of the police court, in the same manner as from justices' courts, and all provisions of law relating to appeals from justices' courts shall be applicable to appeals from the police court.

SEC. 149. *Seal.* The police court shall have a seal on which shall be engraved the arms of the State of California and the words "Police Court, City of Santa Cruz", and the seal shall be affixed to all process issued by said court.

SEC. 150. *Report and account.* The police judge shall report to the city council monthly. In all cases brought before or tried by the police judge, he shall charge the same fees as are allowed by law to justices of the peace in similar cases. All fines imposed and collected, and all fees charged, or which should be charged by the police judge, shall be paid monthly into the city treasury on or before the last day of each month.

ARTICLE X.

POLICE DEPARTMENT.

SEC. 151. *Organization.* The police department shall consist of a chief of police and policemen.

SEC. 152. *Qualifications.* Each member of the police department shall be a citizen of the United States, an elector of the city, able to read and write the English language, and a resident of the city for three years next preceding his appointment.

SEC. 153. *Duties.* The chief of police and policemen shall be appointed by the commissioner of public health and safety. The appointment of chief of police shall be confirmed by the council. He shall be the head of the department and shall be held responsible for the execution of all laws and ordinances and of the rules and regulations of the department, and shall exercise such other powers as may be provided by ordinance. He shall see that the orders and processes issued by the commissioner of public health and safety and those of the council, and police judge, are promptly executed.

ARTICLE XI.

FIRE DEPARTMENT.

SEC. 154. *Organization.* The fire department shall consist of a chief of the fire department, an assistant, and other officers and firemen.

SEC. 155. *Qualifications.* Each member of the fire department shall be a citizen of the United States, and able to read and write the English language.

SEC. 156. *Appointments and duties of chief of fire department.* The chief of the fire department and all other officers and members thereof, shall be appointed by the commissioner of public health and safety. The appointment of the chief and assistant shall be confirmed by the council.

The chief shall be the head of the department and shall perform the duties of fire marshal. He shall superintend the extinguishment of fires. He shall have control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his control and command. He shall observe the condition of the apparatus and workings of the department, and shall see that all laws, orders, rules, and regulations relating to the fire department are enforced. He shall submit to the commissioner of public health and safety, at least once each month, a written statement of the number of men employed, their compensation, and the condition of the department, and make recommendations respecting the same. He shall have such other powers and duties as may be provided for by ordinance. In the absence or inability of the chief, the assistant shall perform his duties.

ARTICLE XII.

HEALTH DEPARTMENT.

SEC. 157. *Appointment.* The commissioner of public health and safety shall appoint the health officer, and assistants. The appointment of the health officer shall be confirmed by the council.

SEC. 158. *Authority of commissioner.* Said commissioner shall have supervision over the sanitary conditions of the city. He shall enforce the law and ordinances and all orders and rules pertaining to health, sanitary, quarantine, and disinfection regulations, with power to make arrests for any violation thereof.

SEC. 159. *Qualifications.* The health officer shall be a physician of three years' practice, licensed in this State, and an elector of the city.

ARTICLE XIII.

SCHOOL DEPARTMENT.

SEC. 160. *Schools.* The school department shall comprise all of the schools within the city and within the territory that now is or that may hereafter be annexed for school purposes, and shall be known as Santa Cruz school district; shall consist of primary, grammar, and high schools, and may, at the discretion of the board of education, include kindergartens, technical, industrial, and night schools; *provided*, that no school money shall be used for technical, industrial, or night schools, when such use would prevent the board of education from maintaining free kindergarten, primary, grammar, and high schools for ten months in each year.

SEC. 161. *Government and organization.* The schools shall be governed by the board of education. It shall meet annually on the fourth Monday in May, shall organize and choose one of its members president, who shall serve one year. The board shall elect a clerk, to serve at its pleasure.

SEC. 162. *Meetings.* The board shall hold regular meetings at least once a month, at such time as it may determine, at the office of the city superintendent of schools, which office shall be in the high school building.

Special meetings may be called by the president, and must be called upon the written request of two members.

SEC. 163. *Powers and duties.* The powers and duties of the board of education are:

1. To establish and maintain public schools as herein provided, and to change, consolidate, or discontinue the same.

2. To divide the district into school subdivisions.

3. To employ and discharge superintendents, principals, teachers, and other employees.

4. To fix, alter, allow, and order paid the salaries or wages of all employees, and to withhold, for cause, the whole or any part thereof.

5. To make and enforce rules for the government and management of the public schools, and for the teachers and pupils thereof.

6. To establish and regulate the grade of the schools and to determine the course of study therein, the mode of instruction, and what text-books, other than those published by the State, shall be used in the schools.

7. To prescribe the course of study for the high school.

8. To provide fuel, lights, water, printing, stationery, and other supplies for the department.

9. To build, alter, repair, rent, furnish, and insure school houses and property.

10. To purchase, sell, receive, lease, hold in fee or in trust for the city, any and all property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools, and to make, in the name of the city, conveyances of

property belonging to the city sold by the board of education: *provided*, that the proceeds of any such sale shall be applied to the purchase of other lots or for the erection of schoolhouses for the use of the department.

11. To grade, fence, and improve school lots and grounds.

12. To prohibit any child under the age of six years from attending public school: except that kindergarten classes may be attended by children not under four years of age. To suspend or expel pupils for misconduct.

13. To admit persons over twenty-one years of age to the schools, upon payment of tuition fees fixed by the board.

14. To provide books for children of parents unable to furnish them.

15. To visit the schools of the city and examine their management and condition.

16. To discharge all legal incumbrances upon school property.

17. To sue for property acquired for the use and benefit of the department, and to prosecute and defend all actions necessary to recover and maintain said property, and to require the services of the city attorney therein.

18. To perform such acts as may be required to carry into effect the powers conferred upon the board and to increase the efficiency of the schools.

SEC. 164. *City superintendent of schools.* The board shall annually appoint a city superintendent of schools, who shall be a practical educator of not less than five years of successful experience in teaching. He shall not engage in any business that will interfere directly or indirectly with the performance of his duties. During his incumbency, he shall not hold, nor be a candidate for, any other office. He shall have supervision over the school property; he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall recommend to the board such additions and changes in the grade of the schools, course of study, text books, and such other things and matters as he deems reasonable and proper. He shall, in June of each year, submit to the board of education a detailed report of the progress of the schools, their present condition, the condition of school houses, lots, and furniture, the number of pupils taught respectively in the respective schools and grades. He shall have supervision and control of the teachers, and shall report to the board any misconduct, want of ability, negligence, or inattention on the part of any of them; he shall, subject to the approval of the board, assign teachers to such classes as shall be for the best interest of the schools; he shall see that none but authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; he shall perform such other duties as may be imposed by the board, or the general laws of the State.

SEC. 165. *Clerk of the board of education.* The clerk of the board shall keep a record of the proceedings of the board and an account of the expenditures allowed by it, and for what purpose. He shall be the custodian of all books, papers, and documents belonging to the department. He shall, in June of each year, make a full and complete detailed report of receipts and expenditures of the department. He shall perform such other duties as the board may require of him.

SEC. 166. *General provision.* All other matters pertaining to the school department, not specifically provided for in this charter, shall be governed by general law.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 167. *Control and management.* The public library shall be controlled and managed by the board of library trustees, in accordance with the provisions of the general law.

ARTICLE XV.

REVENUE AND TAXATION.

SEC. 168. *Fiscal year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 169. *Tax system.* The council shall by ordinance provide for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this charter or general law. The council shall have power to adopt by ordinance any law of the State, whereby the assessment may be made by the assessor of Santa Cruz County, and taxes collected by the tax collector of said county for and in behalf of said city. Other provisions of this charter concerning the assessment, levy, and collection of the taxes, shall be subject to the provisions of any such ordinance.

SEC. 170. *Department estimates.* On or before the first Monday in May in each year, or on such date as shall be fixed by the council, the heads of departments, officers, boards, and commissions, shall submit to the commissioner of revenue and finance, an estimate, in writing, of the amounts, specifying in detail the purposes thereof, required for the business and conduct of the respective departments, offices, boards, and commissions, during the ensuing fiscal year.

SEC. 171. *Estimate by commissioner.* On the first Monday in July in each year, or on such date as may be fixed by the council, the commissioner of revenue and finance shall submit to the council an estimate in detail of the probable expenditures of the city government for the ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of

the city, and the necessities of all of the departments of the municipal government; also an estimate of income from fines, licenses, and other sources of revenue exclusive of taxes on property, and the probable amount required to be levied and raised by taxation.

SEC. 172. *Annual budget.* The council shall, prior to fixing the tax levy, annually make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year.

SEC. 173. *Board of equalization.* After ten days' notice thereof given to the taxpayers of the city by publication in a daily newspaper published in the city of Santa Cruz, the council shall meet at its usual place of holding meetings, on the first and each succeeding Monday in August of each year, at nine o'clock in the forenoon of said days, and sit and act as a board of equalization, and shall have, as regards the equalization of the levy and assessment of city taxes, powers similar to those conferred upon the board of supervisors of Santa Cruz County as a board of equalization of county taxes. The meetings of the council as a board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment, both as to real and personal property; *provided*, that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, of the intention to increase the same, by mailing a written notice thereof to such owner or owners of said property at least five days before the same shall be increased, and said notice shall inform such owner or owners of said property to be and appear before said board at a specified time to show cause, if any they have, why said assessment should not be increased. Such owner or owners shall have the right to be heard before said board, under oath, before the time fixed for increasing of such assessment.

SEC. 174. *Tax levy.* The council must, not later than the first Tuesday in September of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of the valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The assessment roll shall then be delivered to the city clerk, who shall compute and carry out the amount of tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city clerk as being the assessment roll of said tax.

SEC. 175. *Limit of tax levy.* The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed value of all the real and personal property within the city.

SEC. 176. *Bond and library tax.* The council shall have power to levy and collect taxes in addition to the taxes hereinabove authorized, sufficient to pay the interest and maintain the sinking funds of the funded indebtedness of the city, and to provide for the establishment and support of public libraries and reading rooms; *provided*, that said library tax levy shall not exceed the rate of ten cents on each one hundred dollars of the assessed valuation of all the property within the city.

SEC. 177. *Tax liens.* All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens upon the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for taxes thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes; and the council shall have the power to provide for the procedure to be followed in such sales to the city and for the redemption of the property thereafter.

SEC. 178. *Uniform accounts and reports.* The council shall prescribe uniform forms of accounts and reports, which shall be observed and kept by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the State Legislature for uniform municipal accounts and reports, the council is hereby authorized to adopt the same.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SEC. 179. *Approval.* All demands payable out of the city treasury must, except as otherwise provided in this charter, be approved by the council.

SEC. 180. *Payment.* All claims and demands against the city shall be paid only as herein provided.

SEC. 181. *How presented and endorsed.* All claims and demands, except as hereinafter provided, shall be duly verified, and presented to the council on forms fur-

nished by the city clerk. If said claims be just and legal, the council shall approve the same, or may, in a proper case, approve in part or reject the same. The action of the council shall be endorsed on said claims and demands, with the date of such action, and shall be certified by the city clerk.

SEC. 182. *Claims to be numbered.* Every claim and demand shall be numbered and acted upon by the city clerk in the order of presentation to him; and, when allowed, either in whole or in part, shall be numbered and entitled to payment in the same order as allowed.

SEC. 183. *Claims against library fund.* All claims and demands payable out of the library fund must be approved by the board of library trustees before they can be approved or paid, and such approval shall be entered upon their minutes and endorsed upon said claims or demands. They shall be signed by the president and secretary of said board. After such approval and signing, they shall be delivered to the city clerk and be presented by him to the mayor, for consideration and approval.

SEC. 184. *Claim must be itemized.* No claim or demand shall be approved, audited, or paid by any board or officer, unless it specify each several item, with the date and amount thereof.

SEC. 185. *Legality.* No payment shall be made from the city treasury or out of the public funds of the city, unless the same be authorized by law, nor unless the said claim or demand shall have been duly audited as in this charter provided. The term "audited" means that said claims and demands have been presented to, passed upon, and approved by every officer and board required by this charter to do so, and this must appear upon the face of said claim or demand.

SEC. 186. *Indebtedness to city to be deducted.* No claim or demand shall be approved by the council in favor of any person or officer who is indebted to the city, or any assignee of such claim, without first deducting the amount of said indebtedness; nor in favor of any officer having the collection, custody, or disbursement of public funds, who shall have failed to account to the city as required by law, nor in favor of any officer who shall have failed to make his official returns or report in writing, in the manner and at the time required by law; nor in favor of any officer who has failed to comply with any of the provisions of this charter or the ordinances of the city, or any Act of the Legislature regulating the duties of such officer, after notice in writing by the council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful excuse, or the consent of the council, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the council may examine, under oath, any officer receiving a salary from the city, touching such absence.

SEC. 187. *Record of claims and demands.* The city clerk shall number and keep a record of all claims and demands upon the city treasury, approved by the council, and of the claims and demands approved by the board of library trustees, showing the number, date, and amount thereof, and the name of the original and present holder, on what account allowed, out of what fund payable, and by what board or officer approved.

SEC. 188. *Payment and registration of warrants.* Every demand upon the city treasury, audited and allowed as in this charter provided, shall, in all cases, be paid upon presentation of the warrant issued, if there be sufficient money in the city treasury applicable to the payment of such demand, and the warrant shall be canceled by a punch cutting the word "Canceled" therein, and the proper entry shall be made. If there is not enough applicable, the warrant shall be registered by the city treasurer in a book kept for that purpose. Such register shall show the special number of such warrant given by the city clerk, the date, amount, name of the original and present holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation. All warrants shall be paid in the order of their registration. Each warrant, upon being registered, shall be returned to the party presenting it, with the endorsement of the word "Registered," the date of registration, and the signature of the city treasurer; but the registration of any warrant shall not operate to recognize or make valid any such warrant if drawn contrary to law.

SEC. 189. *Public moneys.* All public moneys collected by any officer or employee of the city shall be paid into the city treasury; and the compensation of all officers, employees, or other persons collecting any money due the city, shall be paid by demands upon the city treasury, audited as other claims and demands are audited and paid.

ARTICLE XVII.

PUBLIC WORK AND CONTRACTS.

SEC. 190. *Form of contracts.* All contracts must be in writing, approved by the city attorney, executed in the name of the city by an officer or officers authorized thereunto, countersigned, numbered, and registered by the city clerk in a book kept for that purpose.

SEC. 191. *Progressive payments on contracts.* Contracts may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given therefor, but no progressive payments can be provided for or made at any time, which, with prior payments, shall exceed seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for

or authorize the payment of more than seventy-five per cent of the contract price before the completion of the work done thereunder and the acceptance thereof by the proper officer, board, or department.

SEC. 192. *Public work to be done by contract.* The erection, improvement, and repair of all public buildings and works, all street and sewer work, and all work along streams, bays, or the water front, for protection against overflow or erosion, furnishing supplies and materials for the same, or for any use by the city, when the estimate therefor exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for five consecutive days in a daily newspaper of general circulation published in the city of Santa Cruz. Such notice shall specifically state the work contemplated to be done. The council may reject any bid deemed excessive, and readvertise or order the work to be done by the department of public works. If no bid is received, the work shall be done by the department of public works.

SEC. 193. *Official advertising.* The city clerk shall submit a list of blanks and blank books used in the several offices and departments, and the council shall annually fix the price therefor, and also the price of all job printing and city advertising, and each officer, board, or department shall procure such blank books, job printing, and advertising, at a price no greater than is so fixed, and certify the bill therefor to the council. A square of advertising shall be two hundred and thirty-four ems measured.

SEC. 194. *Contracts for lighting.* No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than three years, nor at a higher rate than the minimum price charged private consumers.

SEC. 195. *Contracts for water.* No contract for supplying water for any department of the city shall be at a higher rate than the minimum price charged private consumers.

SEC. 196. *Collusion with bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been received, shall be guilty of malfeasance in office.

SEC. 197. *Collusion of bidder.* If any person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person for the purpose of preventing other bids, then the contract so awarded shall be null and void, and the council shall readvertise or provide for the said work to be done by the department of public works.

SEC. 198. *Officers interested in contracts. Freedom of trade.* No officer shall be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, and any such contract shall be null and void; and it shall be a felony punishable as provided in section seventy-one of the Penal Code of California for any commissioner or officer to suggest or require of any employee that such employee or any member of his family trade individually, or directly or indirectly, with any certain person, firm, or corporation.

ARTICLE XVIII.

CORPORATIONS AND FRANCHISES.

SEC. 199. *No exclusive franchise.* No exclusive franchise, privilege, or permit shall be granted.

SEC. 200. *Franchise which may be granted.* The city may grant, for a period not to exceed thirty-five years, the right and franchise to use the public streets and highways of the city for the purpose of operating street railroads and for constructing thereon or laying thereunder electric, telephone, and telegraph wires and cables, gas and water mains and service pipes, over, along, in, under, or upon any street or highway, and may grant franchises for wharves, and railroads, other than street railroads, when authorized so to do by vote of the people.

SEC. 201. *Property rights of the city inalienable.* The rights of the city in and to the water-front and tidelands vested in it in fee or in trust, are inalienable, and its parks and other public places, except as her-in provided, are inalienable unless authorized by a vote of two thirds of the qualified electors of the city of Santa Cruz, had at a general or special municipal election.

SEC. 202. *Regulation of rates.* The city shall have the right, whether reserved in franchises granted by it, or not, to regulate the rates, fares, rentals, or charges made for services rendered under franchises, and the right to regulate the rates, fares, rentals, and charges for wharfage, water, electricity, electric light, electric power, gas, telephones, telephone service, heat, and transportation supplied to the city and its inhabitants.

SEC. 203. *Sale of franchise.* Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of one hundred dollars or by a certified check payable to the city clerk, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to finally

be paid by the successful bidder. If, after the filing of such application accompanied by the original deposit or certified check, the council deems it desirable to grant the same, it shall set such application for hearing and advertise the fact, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received and the franchise awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom; *provided*, that the percentage of the gross receipts during the first five years shall not be less than two per cent, and shall be not less than four per cent during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of one hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount payable to the city clerk, as a like guaranty of good faith. In the event that the applicant or any bidder be not awarded the franchise, or if awarded the franchise and within such reasonable time thereafter as the council shall allow, shall cause to be executed a bond in the sum of not less than one thousand dollars, fixed by the council, and with sufficient sureties, approved by the mayor, conditioned that such bidder will faithfully execute the conditions of such franchise upon his part to be performed, then such deposit shall be returned. At the time set for hearing the application, and the opening of the sealed bids or proposals therefor, any bid may be raised by any responsible bidder offering not less than one quarter of one per cent of the gross receipts above the highest sealed bid therefor, and such bid may be raised not less than one quarter of one per cent until there shall be but one bidder therefor. The franchise shall have inserted therein a proviso that it shall be forfeited in the event that such percentage of the gross receipts be not annually paid to the city at a date by the council to be determined. No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed until within one year prior to its expiration.

SEC. 204. *Commencement and completion of work.* Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit, or privilege, and if not so commenced within said time, said franchise, permit, or privilege shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, which time shall be not more than two years from the date of the taking effect of the ordinance granting said franchise, and if not so completed within said time the same shall be forfeited; *provided*, that the council may by resolution extend the time for the completion thereof not exceeding three months.

SEC. 205. *Right of city to purchase.* At any time within one year prior to the expiration of any franchise, the city may, at its option, upon payment of a fair valuation for the property and plant used in connection therewith, purchase and take over such property and plant.

SEC. 206. *Alienation of franchise.* No franchise shall be leased, assigned, or alienated without the express consent of the city entered upon the minutes of the council; *provided, however*, that the grantee under such franchise may include the same in a mortgage or trust deed executed for the purpose of obtaining money for its corporate purposes.

SEC. 207. *Report and examination of books.* The council shall have the authority to examine the books, vouchers, and records of any person, firm, concern, or corporation exercising or enjoying any franchise or privilege granted by it, and it shall be the duty of every person, firm, concern, or corporation exercising any franchise granted by the city, to file with the city clerk a report of its business during the preceding year; such report shall contain a statement of the gross receipts arising from the business done by such person, firm, or corporation, within said city, and such report shall contain such further facts as may be required by the council concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

SEC. 208. *Forfeiture of franchise.* Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter.

SEC. 209. *Gratuities from holders of franchises.* No officer or employee of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm, or corporation operating under any franchise granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons

or consumers similarly situated, unless it shall be otherwise provided in the ordinance granting such franchise.

SEC. 210. *Street sprinkling, cleaning and paving.* Every grant of a franchise in, over, under, or along any of the streets, highways, or public places of the city, for railway purposes, shall be subject to the conditions that the holder of such franchise shall sprinkle, oil, clean, pave, repave, and keep in repair so much of said street, highway, or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

SEC. 211. *Railroads.* Railroads operated through the city and beyond its limits, shall not, as to operations within the city, be subject to the provisions of this charter relative to the payment of a portion of its gross receipts to the city, but such railroads shall keep the width of the whole or that portion of any street (exclusive of sidewalks) crossed or traversed by its track or tracks, in repair, and may be required to oil, sprinkle, clean, sweep, pave, and repave the same. The city shall have the right to regulate charges for switching, warehouses, or yards within the city, and may preclude the use of the streets of the city for the purpose of switching or making up trains.

ARTICLE XIX.

CITY WATER WORKS.

SEC. 212. *Authority of council.* The council shall have power and authority over the organization, government, management, and discipline of the water works department. The commissioner of public works shall have control and supervision of the water works system. The council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by vote of the people. The council shall, by ordinance, make rules and regulations governing the water works system, and shall fix uniform rates and provide for the collection thereof.

ARTICLE XX.

LIGHT, HEAT, AND POWER.

SEC. 213. *Electric light plant.* The council shall have control and management of the electric light plant, and of all plants and works that may hereafter be acquired for furnishing the city or its inhabitants with light, heat, or power, and the same shall be under the control and supervision of the commissioner of public health and safety.

SEC. 214. *Maintenance and management.* The council shall have full power to construct, maintain, and improve such works, and to manage the same, and to rent, sell, distribute, and use light, heat, and power.

SEC. 215. *Rules and regulations.* The council shall by ordinance make rules and regulations governing the plants and works supplying light, heat, or power, shall fix uniform rates, and provide for the collection thereof.

ARTICLE XXI.

PARKS AND PUBLIC GROUNDS.

SEC. 216. *Control and management.* All public grounds and parks, including "De Laveaga Park," now owned or hereafter acquired, shall be under the control and management of the council, and it shall have exclusive power to govern, extend, and improve the same. The street superintendent shall be ex officio superintendent of public grounds and parks, under direction of the commissioner of streets and parks.

SEC. 217. *De Laveaga Park.* The council shall adopt rules for the regulation and government of De Laveaga Park, and all other public grounds and parks under its supervision; such rules shall be conspicuously posted on the places to which they relate.

SEC. 218. *Report of superintendent.* The street superintendent shall, on the first Monday in May of each year, submit to the council a detailed statement of all moneys received and expended during the preceding fiscal year on account of De Laveaga Park, and of other public grounds and parks, accompanied by an estimate of expenses for the next fiscal year.

SEC. 219. *Tax for parks and public grounds.* The council is hereby authorized and empowered to levy and collect each year, in the mode prescribed for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within said city, for the purpose of acquiring, preserving, maintaining, and improving public grounds and parks, including said De Laveaga Park. All moneys collected and arising from said tax and from all other sources of revenue, including legacies, gifts, and donations for the use and benefit of said public grounds, parks, and land, shall be paid into the treasury of the city, and shall be used or appropriated for no other purpose.

ARTICLE XXII.

THE INITIATIVE.

SEC. 220. *Petition.* The electors of the city shall have the right to propose by petition, and to adopt at the polls any ordinance which the council might enact.

Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in number as hereinafter required.

SEC. 221. *Preliminary procedure.* Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two hundred words giving the reasons of said proponents for the adoption of such ordinance, a statement of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The council shall have five days after the filing of such affidavit, to send by registered mail to the address given in such affidavit, a statement, in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

SEC. 222. *Form of petition. Contents.* The form and contents of the petition and mode of certification shall be substantially as provided in Article VI of this charter, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he has read such reasons.

SEC. 223. *Number of signers.* Upon presentation to the council of such petition, signed and verified by qualified electors in number equal to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, asking for the submission to the electors of an ordinance that the council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition request the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty per cent of said vote, then such ordinance, if not so adopted and enacted by the council, must be submitted to the electors at a special election to be called within sixty days from the presentation of such petition.

SEC. 224. *Twenty-five per cent requirement.* If such proposed ordinance is one that the council might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to twenty-five per cent of the above mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

SEC. 225. *Examination and amendment.* All provisions of Article VI of this charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

SEC. 226. *Life of petition.* All petitions under this article shall be filed with the city clerk within sixty days after the date of the first signature thereon. If any ordinance proposed by petition, or upon which a referendum vote is requested by petition, be not submitted to the voters at or within the time specified in this charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

SEC. 227. *Several ordinances at one election.* Any number of proposed ordinances under the initiative or the referendum, may be voted upon at one election.

SEC. 228. *Limit to special election.* There shall not be held under the provisions of this article, more than one special election in any period of six months.

SEC. 229. *Ballots.* The ballots used when voting upon ordinances proposed under the initiative or under the referendum, shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words "For the Ordinance," and "Against the Ordinance." If a majority of the votes cast on any ordinance initiated as herein provided, by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid and binding ordinance of the city, ten days after the official count shall have been determined; otherwise such ordinance shall be rejected.

SEC. 230. *Repeal or amendment; Initiative and referendum.* No ordinance that has been or that may hereafter be adopted by a vote of the electors, shall be amended or repealed except by a vote of the electors.

ARTICLE XXIII.

THE REFERENDUM.

SEC. 231. *Referendum by council.* The council may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

SEC. 232. *Referendum by electors.* No ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessments), and no ordinance granting any franchise, shall go into effect in less than thirty days after its final passage. At the end of said thirty days, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten per cent of the entire vote cast for all candidates

for the office of mayor at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors. In case such petition be filed, such ordinance shall not go into effect until approved by a majority of the electors voting thereon at such election.

SEC. 233. *Petition, ballot, and election.* All matters relating to the form of the petition, examination, and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in Articles VI and XXII of this charter.

SEC. 234. *Action on petition.* If, within thirty days, a petition signed and verified as in this charter provided, by electors of the city in number equal to ten per cent of the vote cast for all candidates for the office of mayor at the last preceding general municipal election, be filed with the city clerk, asking that any ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessment), any ordinance granting any franchise or privilege, or any penal ordinance adopted by the council, be submitted to the electorate, then such ordinance must either be repealed or submitted to the electorate for approval or rejection at the next general municipal election occurring subsequent to sixty days after the presentation of said petition as herein provided, or at a special election called prior to such general municipal election; and no ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the council or upon a petition in regular form signed and verified, as required, by forty per cent of said vote.

SEC. 235. *Majority vote.* If a majority of the votes cast on any ordinance referred to the electorate shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, ten days after the official canvass; otherwise such ordinance shall be repealed or rejected, and such repeal shall take effect ten days after the official canvass.

SEC. 236. *License ordinances.* All ordinances providing for the suppression, prohibition, or licensing, either for regulation, revenue, or otherwise, of any saloon, hotel, restaurant, casino, recreation ground, or other place where wines, liquors, or any fermented, distilled, or other liquor or beverage containing alcohol, is sold, given away, consumed, or disposed of, or for the repeal or amendment of any such ordinance, anything in this charter to the contrary notwithstanding, shall, before the same shall have any force or effect, be voted upon and approved by the vote of a majority of the electors of said city voting at a general or special municipal election as provided in this article or Article XXII. The provisions of this section shall apply to the repeal or amendment of all ordinances now in effect or that may hereafter be enacted.

ARTICLE XXIV.

MISCELLANEOUS PROVISIONS.

SEC. 237. *Meaning of terms.* The word "city" in this charter, means the city of Santa Cruz. A department, board, or officer in this charter mentioned, means a department, board, or officer of the city.

SEC. 238. *Surrender of books and records.* All officers, boards, commissioners, and departments of the city shall, upon vacating office, turn over to their successors, all books, papers, documents, records, archives, and other property which may be in their possession or under their charge.

SEC. 239. *Books and records open to inspection.* All books and records of the various offices and departments of the city, except those of the police department and the city attorney, shall, during business hours, be open to the inspection of any citizen or taxpayer, who may make copies of any portion thereof. Such copies shall be certified by the officer in charge of the records on payment of a fee of twenty-five cents for each ten folios or fraction thereof.

SEC. 240. *Officers not to act as agent or attorney.* Neither the mayor, commissioners, nor city attorney, shall, in any matter in which the city is interested, act as the agent, attorney, or legal advisor of, or be employed in any capacity by, or in any manner represent or be interested, either directly or indirectly, in any public service corporation carrying on or doing business within the city of Santa Cruz, nor shall they, or any of them, in any matter in which the city is an interested party, have as a client any person, firm, or corporation engaged in any business over which the council exercises police powers. A failure on the part of any of them to comply with the provisions of this section, shall be sufficient cause for removal from office.

SEC. 241. *Recourse for damages.* No recourse shall be had against the city for any damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court, or place, by reason of any defective drainage, whether any of said defects originally existed or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want or repair of any sidewalk, street, avenue, lane, alley, court, or place, or for want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court,

or place, or by falling from any embankment thereon or into any excavation therein; but in such case the person, officer, or officers through whose negligence such defect exists, or remains unrepaired, shall be jointly and severally liable to the party injured, for damages sustained.

SEC. 242. *Officers to continue in office.* The officers of the city in office at the time of the approval of this charter by the Legislature, shall continue to hold office and discharge their duties until twelve o'clock noon on the first Monday in July, 1911, and until their successors are elected or appointed and qualified; *provided*, that the members of the board of education shall hold their offices and discharge their duties only until twelve o'clock noon on the fourth Monday in May, 1911, and until their successors are elected, or appointed, and qualified.

SEC. 243. *Ordinances continued in force.* All ordinances and resolutions of the city and all rules and regulations prescribed for the government, control, and discipline of any of its departments, officers, or employees, which are, at the time of taking effect of this charter, and which are not inconsistent therewith, shall continue in force and effect until altered, amended, or repealed, in accordance with the provisions of this charter.

SEC. 244. *Rights, actions, contracts.* All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects as though begun or executed hereunder.

SEC. 245. *Time charter shall go into effect.* This charter shall go into effect for all election purposes on the day of its adoption and ratification by the Legislature, and for all other purposes, except as otherwise provided, on the first Monday in July, 1911, at twelve o'clock noon.

SEC. 246. *General provision.* In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law shall be a part of this charter as far as the same may be applicable.

SEC. 247. *First election.* The mayor and city council of the city, in office at the time this charter is approved and ratified by the Legislature, shall provide for the holding of the first election of officers hereunder, shall canvass the returns, and declare the result of said election.

ARTICLE XXV.

AMENDMENTS.

SEC. 248. *Amendment.* The amendment of freeholders' charters provided for in the Constitution of the State of California, may be submitted by the council, but must be submitted by the council, in the manner provided in the Constitution, whenever a petition is presented to such council as provided in Article XXII of this charter.

SEC. 249. *Election on amendments.* The council must make all necessary provisions for submitting proposed amendments to the electors; and shall canvass the returns of such election in the same manner as in other elections.

SEC. 250. *Ballots.* The ballots used at such elections shall contain the words "For the Amendment," (stating the nature of the proposed amendment,) and "Against the Amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The city of Santa Cruz is a city containing a population of more than ten thousand inhabitants; did, on November 3, 1910, have a special municipal election; and, under and in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, did elect F. D. Baldwin, Chas. M. Cassin, David C. Clark, L. J. Dake, C. D. Hinkle, William T. Jeter, Samuel Leask, John B. Maher, Duncan McPherson, W. P. Netherton, S. A. Palmer, J. A. Pilkington, W. R. Springer, Henry Willey, and Charles B. Younger, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That, in pursuance of said provision of the Constitution, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Santa Cruz, and that, in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the Constitution, also presents therewith, for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated; that said alternative proposition shall, if approved by a vote of the qualified electors, take the place of Section 16 of said charter entitled "Levy and Collect Taxes"; that said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition providing for an additional tax levy for entertainment and publicity fund, take the place of Section 16?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

"Section 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one

year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school, library, and entertainment purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of the taxable property in the city, except as hereinafter provided; and provided further, that at the time the rate of city taxes is fixed, the council may levy, in addition to the taxes herein provided, a tax upon all taxable property in the city of not more than five cents on each one hundred dollars of the assessed value of said property, for a fund to be known as the entertainment and publicity fund, and such money so collected shall be used for the purpose of public entertainment and celebration and for advertising the city; and to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits."

IN WITNESS WHEREOF, We have hereunto signed the same, in duplicate, at the city of Santa Cruz, county of Santa Cruz, in State of California, this seventeenth day of December, in the year of our Lord, one thousand nine hundred and ten.

SAMUEL LEASK, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
L. J. DAKE.
C. D. HINKLE.
WILLIAM T. JETER.
JOHN B. MAHER.
DUNCAN McPHERSON.
W. P. NETHERTON.
S. A. PALMER.
J. A. PILKINGTON.
W. R. SPRINGER.
HENRY WILLEY.
CHARLES B. YOUNGER.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

CITY OF SANTA CRUZ,
COUNTY OF SANTA CRUZ, } ss.
STATE OF CALIFORNIA. }

I, T. W. Drullard, mayor of the city of Santa Cruz, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the third day of November, A. D. 1910, at a special municipal election held in said city of Santa Cruz on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election, that the foregoing is a true copy of said charter prepared and returned to me, as mayor of said city, within ninety days after said election as required by Section 8 of Article XI of the constitution of this state; that such proposed charter was then published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, which then were daily newspapers of general circulation, printed, published and circulated in said city of Santa Cruz, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to wit: on the 31st day of January, 1911, said charter was submitted to the qualified electors of said city;

That a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition presented with said charter for the choice of the voters and to be voted on separately;

That said proposed charter, as a whole, was duly ratified at said election by a majority of the votes of the qualified electors of said city of Santa Cruz voting at said special election and that the alternative proposition was rejected;

That all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative proposition were held, made and occurred, pursuant to orders, resolutions, and publications of the city council of the said city of Santa Cruz, in compliance with Section 8, Article XI, of the Constitution of the State of California;

And that the returns of said election were duly canvassed by the city council of the city of Santa Cruz on the first day of February, 1911, and the results declared as above set forth;

That in all matters and things pertaining to said proposed charter, the provisions of said section of the Constitution and the law of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the city of Santa Cruz to be affixed this second day of February, 1911.

[SEAL]

T. W. DRULLARD,
Mayor of the City of Santa Cruz.

Attest: J. L. WRIGHT,
City Clerk of the City of Santa Cruz.

AND, WHEREAS, Said proposed charter so ratified, without said alternative proposition has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California: now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Santa Cruz, without said alternative proposition, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Santa Cruz.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Stetson, Strobebridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Assembly Concurrent Resolution No. 15 ordered transmitted to the Assembly.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Hurd moved that the vote whereby Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation and practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 875 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners

in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

By striking out of line 7, of the title of the printed bill, after the word "one", the words "six, seven and thirteen".

Also: On pages 5, 6, 7 and 8, of the printed bill, strike out all of Sections 2, 3 and 4.

Also: On page 8, of the printed bill, after word "Sec.", strike out the figure "5", and insert in lieu thereof the figure "2".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 875, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

MOTION.

Senator Campbell moved that further consideration of the proposed amendments to Senate Bill No. 875 be postponed, and that said proposed amendments be printed in the Journal.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and thirty-five minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Assembly Bill No. 495 for consideration, out of order.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Holohan moved a call of the Senate.

Motion carried.

Time, three o'clock and fifty minutes p. m.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates,

Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and fifty-five minutes P. M., Senator Roseberry was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At three o'clock and fifty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Holohan.

The roll of absentees was called, and Assembly Bill No. 495 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Bryant, Burnett, Cannetta, Campbell, Cassidy, Curtin, Cutten, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—Senators Bell, Black, Boynton, Cartwright, Estudillo, Finn, Hare, Larkins, Lewis, Regan, and Welch—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 495 was this day finally passed.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER)

The following reports of standing committee were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 961—An Act controlling the sanitation of shell fish grounds and premises where shell fish are opened, packed or prepared for the market, and controlling the sale of oysters and shell fish for food purposes and providing a penalty.

Also: Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

REGAN, Chairman.

Senate Bills Nos. 961 and 1063 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Also: Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Have had the same under consideration, and respectfully report the same back and recommend that it do pass.

REGAN, Chairman.

Senate Bills Nos. 719 and 720 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cassidy:

WHEREAS, The Panama-Pacific International Exposition is to be held in San Francisco; and

WHEREAS, The Board of Directors of said Exposition Company will soon have to select a site for said exposition; and

WHEREAS, The Midwinter Fair was held in Golden Gate Park, which site proved to be a most excellent one for such purposes; therefore be it

Resolved by the Senate of the State of California. That we recommend to the Board of Directors of said Panama-Pacific Exposition Company the following location as a suitable site for holding said exposition: That portion of Golden Gate Park westerly from Twentieth avenue, as extended, and we most respectfully urge the directors to select this site for said exposition purposes.

Resolution read, and ordered referred to the San Francisco Delegation.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval March 5, 1901.

During second reading of the bill, the following amendments were offered by Senator Stetson:

Amend the title by striking out the period at the end thereof, and inserting in lieu thereof the following: "approved February 8, 1911, relating to the classification of municipal corporations."

Amendment adopted.

Also:

Amend the title by striking out the quotation marks, and inserting in lieu thereof single quotation marks.

Amendment adopted.

Also:

Amend by adding after the word "entitled" in the title, the following: "An Act to amend an Act entitled".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of State hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase may be made and filed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2, strike out the words "so as to make said section", and insert in lieu thereof the following: "to".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1097—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the words "so as to make said section", and insert in lieu thereof the following: "to".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the figures "1664", and insert in lieu thereof the following: "one thousand six hundred and sixty-four".

Amendment adopted.

Also:

On page 1, Section 2, line 6, strike out the figures "1704", and insert in lieu thereof the following: "one thousand seven hundred and four".

Amendment adopted.

Also:

On page 1, Section 2, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 3, line 1, strike out all of Section 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, strike out all of lines 50, 51 and 52, and insert in lieu thereof the following: "No bill of exceptions, statement on motion for a new trial, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provisions for the return of said appropriation to the state treasury.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23d, 1907.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Bell, the second-reading file of Senate bills was taken up for consideration, out of order.

Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections, to be numbered Section 654*b* and Section 654*c*, prohibiting any person, firm or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1153—An Act to add a new section to the Code of Civil Procedure to be numbered Section 391.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, after the word "shall", strike out the following: "be or".

Amendment adopted.

Also:

On page 1, Section 1, line 8, after the word "thousand", insert the following: "two hundred and eighty".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, after the word "uses", insert the following: "or to any municipal corporation for a public use,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Bell, the second-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 522—An Act to provide for the purchase of live stock, for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

Also:

In line 3, Section 2, of the printed bill, add the following after the word "same": "Of the moneys herein appropriated the sum of six thousand dollars shall be available July 1, 1911, and the sum of six thousand dollars shall be available July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the words "thirteen thousand", and insert in lieu thereof the words "ten thousand".

Amendment adopted.

Also:

Add a new section, to be numbered "3" and to read as follows:

"Sec. 3. This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the words "twenty five thousand", and insert in lieu thereof the words "eleven thousand".

Amendment adopted.

Also:

In line 3, Section 2, of the printed bill, add the following after the word "same": "Of the moneys herein appropriated five thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the words "three thousand", and insert in lieu thereof the words "two thousand five hundred".

Amendment adopted.

Also:

Add a new section, to be numbered "3" and to read as follows:

"Sec. 3. This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the words "one hundred and thirty thousand", and insert in lieu thereof the words "sixty-five thousand".

Amendment adopted.

Also:

In line 3, Section 2, of the printed bill, add the following after the word "same": "Of the moneys herein appropriated the sum of thirty-five thousand dollars shall be available on and after July 1, 1911, and the sum of thirty thousand dollars shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of the title of the printed bill, the word "seven", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

In lines 1 and 2, Section 1, of the printed bill, strike out the following: "twenty-four thousand five hundred dollars (\$24,500.00)", and insert in lieu thereof the following: "six thousand eight hundred seventy-five dollars".

Amendment adopted.

Also:

Strike out all of lines 7, 8, 9, 10 and 11, Section 1, of the printed bill.

Amendment adopted.

Also:

Strike out all of lines 12, 13, 14, 15, and 16, Section 1, of the printed bill, and insert in lieu thereof the following: "For furnishing assembly hall and cottage for convalescent patients to be erected at the Agnews State Hospital."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

During second reading of the bill, the following amendments were submitted by committee:

In lines 1 and 2, Section 1, of the printed bill, strike out the following: "three hundred and twenty-five thousand, five hundred dollars (\$325,500.00)", and insert in lieu thereof the words: "one hundred eleven thousand five hundred dollars".

Amendment adopted.

Also:

In line 8, Section 1, of the printed bill, before the word "buildings" insert the word "two".

Amendment adopted.

Also:

Strike out all of Section 4 of the printed bill, and insert in lieu thereof the following:

"Sec. 4. Of the moneys herein appropriated thirty-one thousand five hundred dollars shall be available on and after July 1, 1911, and eighty thousand dollars thereof on and after July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal year years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was unanimously granted, permission to take up Senate Bill No. 25, out of order, for the purpose of amendment.

Senate Bill No. 25—An Act to create a state bureau of criminal identification and investigation.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Cutten, as a special committee of one, to amend as follows:

On page 6, Section 10, line 5 of the printed bill, strike out the words "and such other data from their respective institutions".

Also: On page 6, Section 10, strike out from lines 6 and 7 of the printed bill the following words: "as is, in the judgement of said board of managers of said bureau necessary to carry out the provisions of this Act."

Also: Strike out all of Section 16 on page 7 of the printed bill.

Also: On page 6, Section 10, line 5 of the printed bill, after the word "prisons", add the following: "of all prisoners received at their institutions."

Also: On page 6, Section 14, line 5 of the printed bill, strike out the period after the word "act" and insert in lieu thereof a comma and the following: "and the further sum of twenty-one thousand six hundred dollars, or so much thereof as may be necessary for the payment of the salaries herein provided for, for the fiscal year ending June thirtieth, nineteen hundred and twelve, and the fiscal year ending June thirtieth, nineteen hundred and thirteen."

Also: Amend the title by striking out the period after the word "bureau" at the end of the title, and insert in lieu thereof a comma and the following: "and making an appropriation therefor."

Also: On page 7, Section 17, line 1, strike out the figures "17", and insert in lieu thereof the figures "16".

Also: On page 7, Section 18, line 1, strike out the figures "18", and insert in lieu thereof the figures "17".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 25, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and engrossment.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code relating to religious corporations.

Also: Senate Bill No. 253—An Act to repeal Section 63263, sometimes designated as Section 632(3) of the Penal Code of California relative to and prohibiting the use of salmon and steelhead roe as bait.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 28th day of February, 1911, at three o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Also: Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 84, 85, 89, 90, 91, 93, 94, 111, 959, and 1029 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled an Act creating a State Commission on Voting or Balloting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any and all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines.

Also: Senate Bill No. 254—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Also: Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Also: Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also: Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Also: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the 61st and 62d fiscal years.

Also: Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also: Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also: Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Also: Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Also: Senate Bill No. 1117—An Act appropriating money to pay the claim of Chio Lloyd against the State of California.

Also: Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Also: Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Hoin against the State of California.

Also: Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Also: Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also: Committee Substitute for Senate Bill No. 1030—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Also: Committee Substitute for Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Also: Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Also: Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

Also: Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code of the State of California, relating to the State High School Fund.

Also: Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Also: Senate Bill No. 1155—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

Also: Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 772, 254, 258, 735, 914, 929, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, Committee Substitute for Senate Bill No. 1030, Committee Substitute for Senate Bill No. 1133, Senate Bills Nos. 13, 6, 16, 793, 1052, 1155, and 1194 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

And: Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry—for comparison.

And report that the same have been found not identical.

Also: Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

And: Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry for comparison.

And report that the same have been found not identical.

CASSIDY, Chairman.

Senate Bills Nos. 140 and 151 ordered on file for third reading.

Assembly Bills Nos. 121 and 129 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

And: Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry for comparison.

And report same have been found identical.

Also: Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

And: Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry for comparison.

And report same have been found identical.

Also: Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

And: Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry for comparison.

And report same have been found identical.

Also: Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

And: Assembly Bill No. 127—An Act appropriating money for the equipment of the trades building at the Preston School of Industry for comparison.

And report same have been found identical.

Also: Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

And: Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry for comparison.

And report that the same have been found identical.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 145 and Assembly Bill No. 123 having been reported identical by the Committee on Engrossment and Enrollment, Senate

Bill No. 145—An Act appropriating money for the purchase of farm implements for the Preston School of Industry—was considered withdrawn.

And: Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry—ordered on second-reading file of Assembly bills.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 147 and Assembly Bill No. 125 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 147—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry—was considered withdrawn.

And: Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry—ordered on second-reading file of Assembly bills.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 148 and Assembly Bill No. 126 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 148—An Act appropriating money for the purchase of farm horses at the Preston School of Industry—was considered withdrawn.

And: Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry—ordered on second-reading file of Assembly bills.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 149 and Assembly Bill No. 127 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 149—An Act appropriating money for the equipment of the trades building at the Preston School of Industry—was considered withdrawn.

And: Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry—ordered on second-reading file of Assembly bills.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 152 and Assembly Bill No. 130 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 152—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry—was considered withdrawn.

And: Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry—ordered on second-reading file of Assembly bills.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cutten:

Resolved, That Senate Bills Nos. 1238, 1239, and 1240 each present a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that each of said bills be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended as to Senate Bills Nos. 1238, 1239 and 1240, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1238 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Bill read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1239 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legis-

lature and directing the State Controller and State Treasurer to make such transfer.

Bill read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1240 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Cannetti, Campbell, Cartwright, Cassidy, Cutton, Estrudillo, Finn, Gates, Haas, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bell asked for, and was granted, unanimous consent to take up Senate Bill No. 504 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bell moved to refer to Senator Hewitt as a special committee of one, to amend as follows:

In line four (4) of the title, between the words "park" and "purposes" insert a comma and the words "library or playground".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 504, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SENATOR WOLFE IN THE CHAIR.

At five o'clock P. M., Senator Wolfe, of the Twenty-first District, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of

California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

MARTINEELI, Chairman.

Assembly Bill No. 833 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Also: Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that same do pass.

BEBAN, Chairman.

Assembly Bills Nos. 1003 and 991 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 43—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10j, relating to probation officers in counties of the eighth, tenth, sixteenth, and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class—have had the same under consideration, and respectfully report the same back and recommend that the author be allowed to withdraw the bill.

HEWITT, Chairman.

Senate Bill No. 43 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 43—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children, and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10j, relating to probation officers in counties of the eighth, tenth, sixteenth, and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Senate Bill No. 43 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 439—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HEWITT, Chairman.

Senate Bill No. 439 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 959 for consideration out of order, for the purpose of amendment.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and convicts in the state prisons," approved April 26, 1909.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

By striking out of second and third lines of title the words "California Home for the Care and Training of Feeble-Minded Children", and inserting in lieu thereof the following: "Sonoma State Home".

Also: By striking out of Section 1, lines 3 and 4, of the printed bill, the following: "California Home for the Care and Training of Feeble-Minded Children", and inserting in lieu thereof the following: "Sonoma State Home".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 959, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 1100 for consideration, out of order.

Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1100 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Gates, Hare, Hewitt, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Wolfe, and Wright—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was unanimously granted, permission to take up Senate Bill No. 1147 out of order, for the purpose of amendment.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobbridge as a special committee of one, to amend as follows:

On page 6, line 92, after the word "proprietors", insert a comma and the word "stockholders".

Also: On page 6, line 93, after the word "publications", strike out the period and add the words: "and the members of their immediate families, subject, however, to such reasonable restrictions as the commission may impose."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1147, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Assembly Bill No. 947, out of order, for consideration.

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—COURT OF ORDER.

Senator Wright asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15 for consideration, out of order.

SENATE CONCURRENT RESOLUTION No. 15.

Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held thereon for that purpose, on the 14th day of February, 1911.

WHEREAS, In accordance with the provisions of section eight of article eleven of the Constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter which was duly ratified by a vote of the people of said city, at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the Legislature of the State of California, on the 16th day of March, 1889, as a joint resolution entitled "Senate Joint Resolution No. 3, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified electors of said city at a special election held thereon for that purpose on the second day of March, 1889"; and,

WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said ratification and approval and since it has been amended; the same not having been amended in the two years last past; and

WHEREAS, More than fifteen per cent of the qualified voters of the said city of San Diego petitioned the legislative authority of the said city of San Diego to submit four certain amendments to said charter to the qualified voters of said city for approval, which proposed amendments are hereinafter designated and numbered amendments number one, two, three and four; and

WHEREAS, The legislative authority of the said city of San Diego also proposed nine other amendments to the said charter of the said city of San Diego, making in all thirteen proposed amendments to the charter of the said city of San Diego; and

WHEREAS, The legislative authority of the said city of San Diego, did by ordinance number four thousand two hundred and ninety of the ordinances of said city, adopted by the common council of said city on the fifth day of December, 1910, and entitled "An ordinance submitting to the voters of the city of San Diego, certain proposed amendments to the charter of said city, and calling a special election therefor," which ordinance was approved by the mayor of said city on the sixth day of December, nineteen hundred and ten, and pursuant to section eight, of article eleven of the Constitution of the State of California, duly submitted to the qualified electors of the said city of San Diego, said thirteen amendments to the charter of the said city of San Diego; and,

WHEREAS, Said thirteen proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after the passage and approval of said ordinance number four thousand two hundred and ninety, in the city official newspaper, of San Diego, to wit: San Diego Union and Daily Bee, a daily newspaper published and of general circulation in said city of San Diego; and

WHEREAS, The said legislative authority of the said city of San Diego, did, by said ordinance number four thousand two hundred and ninety, call a special election to be held in the said city of San Diego, on Tuesday, the 14th day of February, 1911, for the purpose of submitting to the qualified electors of the said city of San Diego, said thirteen proposed amendments to said charter; and

WHEREAS, Said special election was held in the said city of San Diego on the said fourteenth day of February, nineteen hundred and eleven, which day was more than forty days after the said proposed amendments had been published for twenty days in the said "San Diego Union and Daily Bee"; and

WHEREAS, On the twentieth day of February, nineteen hundred and eleven, at a regular meeting of the common council of said city of San Diego, held in accordance with law and the charter of said city of San Diego, the said common council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that eight of said proposed amendments designated in said ordinance number four thousand two hundred and ninety, as propositions five, six, seven, eight, nine, ten, eleven and twelve had not been ratified by a majority of the electors voting thereon, and that each and all of the other amendments in said ordinance number four thousand two hundred and ninety, mentioned and hereinafter particularly set forth, being amendments numbers one, two, three, four and thirteen, and submitted to the Legislature of the State of California for approval or rejection, were, and each of them was duly ratified by more than a majority of the electors voting thereon, and the said common council being by law and the charter of said city duly authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in the said city of San Diego; and

WHEREAS, At said special election so held on the said fourteenth day of February, 1911, five of the said thirteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon; and

WHEREAS, The said five amendments, and each of them so ratified by the electors of the said city of San Diego at said special election, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California, and are in the words and figures as follows, to wit:

"Repeal Subdivision 45 of Section 1, of Chapter 2, of Article II of said charter."

"Repeal Subdivision 46 of Section 1, of Chapter 2, of Article II of said charter."

"Amend Section 6, of Chapter 2, of Article II of said charter, so the same will read as follows:

Section 6. Every grant of a franchise, right or privilege, shall be subject to the right of the majority of the electors of said city, voting at any election, at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of such right to repeal, amend or modify said ordinance."

"Amend Section 9, of Chapter 2, of Article II of said charter, so that the same will read as follows:

Section 9. Every franchise or privilege to construct or operate street or inter-urban railroads upon any public street, highway or public property, hereafter proposed to be granted by said common council, shall be granted for a period of not greater than fifty (50) years, upon the terms and conditions as follows, and not otherwise:

An applicant for any franchise or privilege above mentioned shall file an application therefor with said common council, and thereupon said common council shall in its discretion advertise the fact of said application, together with a statement that it is proposed to grant the same, as applied for or as charged by said common council, in the official newspaper of said city. Said advertisement must state that bids will be received for such franchise and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days. The full publication must be completed not less than twenty days nor more than thirty days before any further action can be taken therein.

The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and, the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchises, pay to the said city two per cent (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percentage shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually, and in the event said payment is not made, said franchise shall be forfeited; *provided, further*, that if the franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.

Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; *provided, only*, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege, a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said common council to the highest bidder therefor in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of said city, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least, ten per cent of the amount of his bid with the clerk of said city before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent of the amount of his bid therefor, as herein provided. Said successful bidder shall deposit with the clerk of said city, within twenty-four hours after the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made, shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said common council, be again offered for sale to the highest bidder therefor.

in the same manner, and under the same restrictions as hereinbefore provided, and in case said bidder shall fail to deposit with the clerk of said city, the remaining ninety per cent of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Work to construct railroads along or upon any public street or highway, a franchise for which shall have been granted in accordance with the terms of this section, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; *provided*, that for good cause shown the common council may by resolution extend the time for completion thereof, not exceeding three months.

The owner of the franchise or privilege shall plank, pave or macadamize the entire length of the street, used by his or its track, between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, whenever ordered to do so by said common council, and shall keep the same constantly in repair, flush with the street, and with good crossings.

The said common council shall have power to regulate the rate of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads, and the rates of fare and charges for transporting passengers and goods thereon shall be subject to the regulation by said common council.

Two or more lines of street railway, operated under different managements, may by lease or contract, use the same street or tracks upon such terms as may have been agreed upon between the companies operating such railways; and two lines of street railway operated under different managements may be permitted to use the same street or tracks for a distance of five blocks without such lease or contract, upon payment of an equal portion for the construction of the tracks and appliances used by said railways jointly; but in no case shall a company owning or operating one line of street railway be permitted to condemn the right to occupy and use the same street or tracks for a distance of more than five blocks exclusively.

The successful bidder for any franchise or privilege struck off, sold, and awarded under this section shall file a bond running to said city, with, at least, two good and sufficient sureties, to be approved by said common council, in a penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with said common council within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said common council, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said common council, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this section, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another, in bidding for the purpose thereof."

Amend Article VII of the charter, by adding a new section thereto, to be known as Section 4, which shall read as follows:

"Section 4. The members of the board of education shall each receive as compensation the sum of six hundred dollars (\$600.00) per annum, in monthly installments." And

WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, in accordance with section eight, of article eleven, of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said city of San Diego as proposed and submitted to, and adopted and ratified by the qualified electors of the said city of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said city of San Diego.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Beban, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—26.
NOES—None.

Senate Concurrent Resolution No. 15 ordered engrossed, and transmitted to the Assembly.

THIRD READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Campbell, the third reading of special appropriation file was taken up for consideration, out of order.

Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 89 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Boynton, Bryant, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

On motion of Senator Caminetti, Senate Bill No. 156 was passed to be placed at the foot of the file.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at Mendocino State Hospital.

On motion of Senator Sanford, Senate Bill No. 432 was passed, to be placed at the foot of the file.

Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Hoin against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1119 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1121 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Estudillo, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Senate Bill No. 914 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 929 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Senate Bill No. 254 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

On motion of Senator Wright, Senate Bill No. 258 was passed, to be placed at the foot of the file.

Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1114 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1115 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1116 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Cassidy, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1248, by Senator Lewis, entitled "An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same."

Senate Concurrent Resolution No. 16, by Senator Cullen, entitled "Relative to final adjournment."

Have had the foregoing under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended and the authors be permitted to introduce said bill and concurrent resolution.

BOYNTON, Chairman

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Boynton:

Resolved, That Section 2, of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce the bill and concurrent resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strebbridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Lewis: Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make an appropriation for the same.

MOTION.

On motion of Senator Lewis, Senate Bill No. 1248 was ordered on file, without reference to committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Cullen: Senate Concurrent Resolution No. 16—Relative to final adjournment.

Senate concurrent resolution referred to Committee on Rules.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Juilliard, the following message from the Governor was taken up:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, February 28, 1911.

To the Senate of the State of California:

In accordance with Section 10 of Article IV of the Constitution, I return to you herewith without my approval, Senate Bill No. 344, an Act to regulate the public service of stallions and jacks in the State of California, with my objections.

Section 4 of the Act in question designates certain diseases as transmissible or hereditary, which disqualify the animals named. The State Veterinarian, Dr. Keane, informs me, and his statement is corroborated by authorities upon the subject, that the first disease mentioned in Section 4, "moon blindness," is neither transmissible nor hereditary. In addition, a disease which is quite common and is both transmissible and hereditary, is "side bone." This is not specified in the Act. The result of the Act, therefore,—the first of its character in this State,—is to disqualify animals afflicted with certain diseases, while other animals afflicted with a disease as common and quite as serious are not disqualified. I think, therefore, that the Legislature unintentionally has discriminated in the matter. It certainly would be unjust in the first measure of this character to disqualify some animals and permit others afflicted to rest under no disqualification. For these reasons I have vetoed the bill.

Respectfully,

HIRAM W. JOHNSON,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 344 sustained by the following vote:

AYES—None.

NOES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 1233 for consideration, out of order.

Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1233 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 213—An Act making an appropriation of three hundred thousand (\$300,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the university for the accommodation of the students of the university, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back and recommend that the same do pass, and be re-referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bill No. 213 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Article X thereof, relating to state institutions and public buildings—have had the same under consideration, and recommend that it be re-referred to Committee on Prisons and Reformatories.

WOLFE, Chairman.

Assembly Constitutional Amendment No. 36 ordered re-referred to Committee on Prisons and Reformatories.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cassidy asked for, and was granted, unanimous consent to take up Senate Bill No. 944, for consideration, out of order.

Senate Bill No. 944—An Act to create a reservation for fish, shell fish, shrimp, and crabs within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 944 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At five o'clock and fifty-five minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 1, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 27, 1911, the further reading was dispensed with, on motion of Senator Rush.

APPROVAL OF JOURNALS.

The Journals of Monday, February 6, Tuesday, February 7, Wednesday, February 8, Thursday, February 9, Friday, February 10 and Saturday, February 11, 1911, having been corrected, were read and approved.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Constitutional Amendment No. 5, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Hewitt moved that the further consideration of the Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—be postponed temporarily.

Motion carried.

PETITIONS.

The following petitions were received and ordered printed in the Journal.

SAN FRANCISCO, CAL., February 23, 1911.

To the Honorable the Lieutenant Governor and Senators of the State of California:

GENTLEMEN: Lincoln Post, No. 1, Department of California and Nevada, Grand Army of the Republic, hereby memorialize and respectfully petition your honorable body to vote for and pass Senate Bill No. 56, appropriating the sum of \$100,000 for the construction and equipment of a building or buildings for the use of wives and widows of dependent honorably discharged Union soldiers, sailors and marines.

The states of Iowa, Illinois, Indiana, Wisconsin, Minnesota, Nebraska and many others have appropriated sums not less than one hundred thousand dollars for similar purposes, and we feel that the great State of California should get in line, in caring for and housing the wives and widows of veterans of the Civil War. Our State has liberally provided for disabled veterans, but the aged wife is left to care for herself, while the husband goes sadly to the home, separated from his life companion for whom he has provided for a half century. The Old Guard, composed of more than six thousand veterans in this State, appeal to your intelligence and patriotism and earnestly request your favorable action on said bill.

Passed by unanimous vote of Lincoln Post and respectfully submitted for your consideration.

FREDERICK STANLEY, Commander.

C. J. HANDLEY, Adjutant.

SAN FRANCISCO, CAL., February 25, 1911.

To the Senate of the State of California:

General George G. Meade Post, No. 48, heartily indorses the within resolution.

[SEAL]

WILLIAM HEARNE, Commander.

WILLIAM F. HOWE, Adjutant.

Also:

Be it resolved by the California Equestrian Association. That we are unalterably opposed to the passage, by the California State Legislature, now in session at Sacra-

mento, of Senate Bill No. 733, and its companion bill, Assembly Bill No. 964, said bills relating to health and development supervision in the public schools and in State educational institutions of the State of California, etc., for the following reasons, viz:

First—We do not believe that said bills are necessary, in that the public health is not of such a low character as to warrant such kind of legislation.

Second—The entire world now has its eyes upon the State of California, owing to the proposed Panama-Pacific Exposition, and to at this time adopt legislation which would make it appear that the standard of health in this State is so low as to warrant such legislation, when such is not the case, would very materially and morally affect the general welfare of the entire commonwealth.

Third—We are against compulsory medical requirements, in that we feel that the State has no right to invade the sacred precincts of the home for the purpose of allowing doctors, other than the regular family physician, to practice upon our youth of this State.

Fourth—We are confident that students who are just studying medicine, will, for the purposes of practice, be employed by the board created under the above referred to Acts, and the result will be to subject the citizenry to unnecessary alarm and fear as to the health of the children.

Fifth—This measure will establish a great political power, because it is a self-evident fact that if any person or set of persons is or are placed in absolute power, that sooner or later they will abuse that power, and all to the detriment of the people.

Sixth—We most emphatically deny that there is any demand for such legislation, except among those interested persons who probably expect to be benefited directly thereby in that more political jobs are created; also the present Legislature was elected just to get rid of such sort of legislation.

Seventh—This measure will increase the already overburdened taxpayer in every county and city in the State.

Also:

LOS ANGELES, CAL., February 28, 1911

President of the Senate, Sacramento, Cal.

Fifteen hundred carpenters by unanimous vote request the Senate to pass the original eight hour bill for women. No nation ever became great whose women worked long hours in a steam laundry.

GEO. R. FREEMAN, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

STROBRIDGE, Chairman.

Senate Bill No. 691 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 195—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education—respectfully reports the same back without recommendation and so does for the reason, that while the committee is unanimous in its endorsement of the purposes of this bill, to wit, the payment of school teachers by the year instead of by the term of employment, but to so do is to increase the cost to the counties in the amount of one third in excess of the present cost, and such increase should not be favored at this time, but commend its adoption in the near future.

STROBRIDGE, Chairman.

Senate Bill No. 195 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of

California, relating to the support of high schools—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STROBRIDGE, Chairman.

Assembly Bill No. 405 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7, Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STROBRIDGE, Chairman.

Assembly Constitutional Amendment No. 2 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 920—An Act to allow union high school districts to establish, equip, and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 920 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Also: Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 7, 1893.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HURD, Chairman.

Senate Bills Nos. 987 and 1211 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1141—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

HURD, Chairman.

Senate Bill No. 1141 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Also: Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 40566, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 925 and 1242 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 19 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Corporations.

HEWITT, Chairman.

Assembly Bill No. 510 ordered re-referred to Committee on Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HEWITT, Chairman.

Assembly Bill No. 992 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 893 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p.* relating to the shooting of ducks and other waterfowl from tanks or sink boxes—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 528 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered six hundred and twenty-six *p.* relating to the hunting or shooting of game or game birds with automatic shot guns or pump guns—have had the same under consideration, and respectfully report the same back without recommendation.

WALKER, Chairman.

Senate Bill No. 530 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Committee Substitute for Assembly Bill No. 553 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be known as Section 626p, relating to the protection of beaver—and report that the same has been correctly enrolled, and presented the same to the Governor on this 1st day of March, 1911, at ten o'clock A. M.

CASSIDY, Chairman.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Senate Bill No. 894 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Catten, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Catten, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Read third time.

On motion of Senator Strobridge, Senate Bill No. 615 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was passed, to be placed at the foot of the file.

WITHDRAWAL OF BILL.

Senator Tyrrell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 958—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Senate Bill No. 958 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*b*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 953 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 945 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant secretary of the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutten, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1029 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of firearms.

On motion of Senator Welch, Senate Bill No. 651 was passed to be placed at the foot of the file.

Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of the State for the insane, who shall have arrived at the age of sixty years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 449 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Gates, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1010 (Committee Substitute for)—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

On motion of Senator Sanford, Committee Substitute for Senate Bill No. 1010 was temporarily passed on file, to retain its place.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Finn, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof", which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

Read third time.

MOTION TO REFER TO A SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

On page 3, Section 2, line 10, of the printed bill, after the word "institution" insert the following: "either within or without the corporate limits of the city".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1140, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Bill ordered to print and reëngrossment.

Report of special committee of one, and amendment, adopted.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Read third time.

On motion of Senator Hewitt, Senate Bill No. 988 was passed, to be placed at the foot of the file.

Senate Bill No. 1124—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement", approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1124 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 990 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding, of an exposition in Balboa Park in said city of San Diego.

On motion of Senator Wright, Senate Bill No. 493 was passed, to be placed at the foot of the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1911

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 1132.—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory", approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Also: Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also: Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections, to be numbered Section 654b and Section 654c, prohibiting any person, firm or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

Also: Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1132, 521, 791, and 954 ordered on file for third reading.

PETITIONS—(OUT OF ORDER).

Senator Thompson presented the following petition, which was ordered printed in the Journal:

IN REFERENCE TO SENATE BILL NO. 111.

To the Members of the Legislature of the State of California:

We, the undersigned, being teachers employed in the public schools of Los Angeles County, California, respectfully petition your honorable body, represented in Senate and Assembly, to enact a teachers' retirement salary law at the present session of the Legislature.

H. H. McCUTCHEON, AND OTHERS.

Also:

Senator Strobbridge presented the following petitions which were ordered printed in the Journal:

IN REFERENCE TO SENATE BILL NO. 111.

To the Superintendent and Board of Education of the City and County of San Francisco:

MRS. KINCAID AND GENTLEMEN: The undersigned, teachers in the San Francisco School Department, fully realizing and firmly believing that the recognition by this department of the principle of a state pension for teachers will be for the benefit of the service, and concurring with your views, expressed in Circular No. 3, 1911, addressed to principals and teachers, pledge our support to Senate Bill No. 111, introduced by Senator Boynton, and will do all in our power to secure the passage of Bill No. 111.

MRS. K. C. McGRATH, AND OTHERS.

Also:

BERKELEY, CAL., January 16, 1911.

To Senator Boynton, Sacramento, California:

DEAR SIR: The undersigned, teachers of the Berkeley School Department, heartily indorse the teachers' retirement bill as introduced by you, and strongly urge the Legislature to pass the same.

GILBERT N. BRINK, AND OTHERS.

Also:

OAKLAND, CAL., February 6, 1911.

Senate Committee on Education, Sacramento, California:

GENTLEMEN: The undersigned, teachers in the Oakland School Department, would respectfully urge your favorable consideration of the retirement salaries bill (Senate Bill No. 111) now pending before your honorable body. We believe that this bill if enacted into law would be economical to the State and just to a faithful body of public servants. Very respectfully submitted.

C. F. GULICK, AND OTHERS.

Also:

OAKLAND, CAL., February 8, 1911.

Senate Committee on Education, Sacramento, California:

GENTLEMEN: The undersigned, teachers in the Oakland School Department, would respectfully urge your favorable consideration of the retirement salaries bill (Senate Bill No. 111) now pending before your honorable body. We believe that this bill if enacted into law would be economical to the State and just to a faithful body of public servants. Very respectfully submitted.

S. M. FISHER, AND OTHERS.

Also:

February 4, 1911.

To the Honorable Members of the Committee of Education, State Legislature, Sacramento:

DEAR SIR: The question of retirement salaries for teachers is one to be considered wholly apart from benefits to any individual or class of individuals and should be looked at from the viewpoint of efficiency and economy of public service alone.

One of the most deprecated conditions in American schools to-day, as you are aware, is the dearth of men, and, particularly of strong men in the school service, and the constant question is, "How can stronger men and more men be induced to enter and remain in the school service?" Another question, less general in application but frequently fully as vital, is "How to get rid of teachers who have grown old in the service?" Sentiment often keeps them in the work long beyond their period of usefulness, the community refusing to see one who has given his life to the work reduced to poverty-stricken old age. A further item to be considered is to what extent may teachers spend time and money in renewing their education by either travel or study. Only such teachers as do not anticipate finishing their days in school work are at present able to do anything in this line. It thus becomes true that the majority of those who travel and study after having entered the teaching service are ladies rather than men, and any who do it do so at their peril.

I wish now to call your attention to such a law as the one proposed, emphasizing these three vital points in the maintenance of a strong teaching force.

First, with reference to the education and retention of men in the service, I have found in repeated instances that young men already in the service retire from it on assuming family responsibilities.

Second, they feel that they are in a work practically sure of retirement at fifty or sixty years of age, and that the salary offered is barely sufficient to pay the ordinary bills necessary to living. This view of the same is probably correct and I have repeatedly seen my best men go and have been unable to advise them otherwise. For similar reasons young men well prepared to enter the work fail to enter it. The first apparent solution of this is the general raise in salaries. It is true that this would produce beneficial results, but I call your attention to the fact that it would attract transient teachers just as strongly as prospectively permanent teachers, and that a much larger amount would be required to thus raise salaries to be paid largely to transient people in the service than would be required to furnish retirement salaries to those only who had persisted to the end and given acceptable service. It should be noted that the certain prospect of such a retirement salary would attract the real teacher, while it would not affect the transient teacher at all, and hence our ranks would be filled to a larger degree with professional teachers than would be possible by mere raise in salary. I can not of course give comparative figures, but I should presume that a retirement salary would produce many times the effect of the same amount spent in a general raise of salaries, and I believe that your judgment must support this.

It is also to be noted that teachers who have served until old age begins to creep upon them are frequently kept by the laudable sympathy of the community

long after their period of usefulness has ended. A retirement law would make it entirely in the natural order of things for such people to leave the service or be dropped from it.

The following instance from a purely business standpoint well supports the argument that I am making: American railways have had to meet precisely similar conditions. In some lines of work they find it necessary to make a sharp old-age limit. As a result, the best men have shunned entering the service. The railways have met this situation by offering such a pension as has once more brought efficient men into their service. They have done this from the most businesslike motives and from the sole desire of increasing the efficiency of the service. I believe that our situation is entirely similar and that the remedy presented is without exception the cheapest and most efficacious possible.

Third, with regard to the matter of keeping up to the times in preparation, let me say that it is wholly out of the question to do so or to attempt to do so if merely a matter of money return or increase salary is to be the basis of it. The oculist and oculist and the physician and surgeon today take six months or a year off to study in New York or Berlin or Vienna, and are practically sure of getting back what they spend many times over. Not so the school man; he comes back quite as likely to find himself out of a job. If considerations of thrift are to govern him, he will do nothing of the kind, but will stick to his job. This in ordinary business is the proper thing to do, but in this branch of public service makes for inefficiency in the case of many a teacher having a family depending upon him. If he knew a retirement salary to await him, he would feel warranted in spending time and money to increase his usefulness to his school and his community. Under ordinary circumstances, it would be foolhardy for him to do so.

Now, gentlemen, I am so certain that my findings in this matter are absolutely correct, and apart from individual considerations, am so certain that this is the only solution of the profound problem of attracting and retaining strong teachers in the service, that I feel that you must, when you come to look into the matter, see that this is true. I certainly have full confidence that you will do what you believe to be right, and with very best wishes and cordial good will I remain,

Very truly yours,

LEWIS B. AVERY

Approved and adopted: J. C. TEMPLETON, F. H. CLARK, C. L. BEENEACH, JAMES FERGUSON, A. W. SCOTT, GEO. A. MERRILL, LEWIS B. AVERY, NELSON C. SMITH, Executive Committee, California High School Teachers' Association.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER)

The following reports of standing committee were received and read

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure, to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

Also: Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

Also: Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also: Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Also: Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 290 and 883 ordered on file for second reading.

Senate Bills Nos. 1154, 1123, and 924 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Also: Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

Also: Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Also: Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

Also: Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 931 and 941 ordered on file for second reading.

Senate Bills Nos. 1051, 570, and 934 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 35—An Act to regulate the practice of stationary and steam engineering, the registering and licensing of persons to carry on such practice and to insure the better education and promote competency and skill among stationary and steam engineers in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 35 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California, relating to judicial department of the State, and creating a court of impeachment—have had the same under consideration, and respectfully report the same back, and recommend that the same be not adopted.

STETSON, Chairman.

Senate Constitutional Amendment No. 3 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 13 out of order, for the purpose of amendment.

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

On page 5, Section 4, line 77, of printed bill, strike out the figures "123", and insert in lieu thereof the words "one hundred and twenty-three".

Also: On page 7, Section 7, line 6, of printed bill, strike out the word "next", and insert in lieu thereof the word "last".

Also: On page 8, Section 8, line 39, of printed bill, strike out the first word "and", and insert in lieu thereof the word "or".

Also: On page 14, Section 11, line 10, of printed bill, strike out the word "next", and insert in lieu thereof the word "last".

Also: On page 16, Section 13, line 7, of printed bill, strike out the word "county", and insert in lieu thereof the word "country".

Also: On page 17, Section 14, line 30, of printed bill, strike out the words "or between such periods".

Also: On page 18, Section 14, line 31, of printed bill, strike out the words "as the State Board of Equalization may determine".

Also: On page 18, Section 14, line 32, of printed bill, strike out the period after the word "December", and insert in lieu thereof a comma and the words "or between such periods as the State Board of Equalization may determine."

Also: On page 19, Section 15, line 1, of printed bill, after the word "manner" insert a comma.

Also: On page 19, Section 15, line 2, of printed bill, strike out the word "time", and insert in lieu thereof the word "times", and also, insert after the word "times" a comma.

Also: On page 20, Section 17, line 4, of printed bill, strike out the word "further", and insert in lieu thereof the word "however".

Also: On page 20, Section 17, line 5, of printed bill, strike out the figures "1911", and insert in lieu thereof the words "one thousand nine hundred and eleven".

Also: On page 21, Section 18, line 33, of printed bill, insert after the word "said" and before the word "board" the word "state".

Also: On page 21, Section 18, line 35, of printed bill, strike out the word "that", and insert in lieu thereof the word "if".

Also: On page 21, Section 18, line 35, of printed bill, after the word "bank" insert the words "shall promise that it".

Also: On page 21, Section 18, line 36, of printed bill, insert after the word "said" and before the word "board" the word "state".

Also: On page 21, Section 18, line 38, of printed bill, strike out the word "tax", and insert in lieu thereof the word "taxes".

Also: On page 21, Section 18, line 39, of printed bill, strike out the word "and" preceding the word "which".

Also: On page 21, Section 18, of printed bill, insert after the last word on line 50, on page 21, and before the first word in line 51, page 22, the words "then the state board may assess the capital stock to and in the name of such bank".

Also: On page 22, Section 18, line 51, of printed bill, insert after the word "promise" the words "to pay the taxes".

Also: On page 23, Section 19, line 32, of printed bill, strike out the word "will", and insert in lieu thereof the word "shall".

Also: On page 27, Section 24, line 2a, of printed bill, after the word "state", insert a comma.

Also: On page 28, Section 24, line 48, of printed bill, insert after the comma following the word "forfeiture" the words, "and the Controller shall notify the Secretary of State thereof".

Also: On page 30, Section 25, line 33, of printed bill, strike out the first word, "or".

Also: On page 30, Section 25, line 33, of printed bill, after the word "secretary", insert a comma.

Also: On page 30, Section 25, line 42, of printed bill, after the word "him", insert a comma.

Also: On page 30, Section 25, line 45, of printed bill, strike out the period after the word "board", and insert in lieu thereof a colon.

Also: On page 32, Section 28, line 6, of printed bill, strike out the word "franchise", and insert in lieu thereof the word "franchises".

Also: On page 35, Section 28, line 88, of printed bill, strike out the comma after the word "and", and strike out the words "provided further, that".

Also: On page 37, Section 31, line 3, of printed bill, strike out the word "treasury", and insert in lieu thereof the word "treasurer".

Also: On page 8, Section 8, line 38a, of printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Also: On page 9, Section 8, line 82, of printed bill, strike out the period, insert a semicolon, and add "provided, however, that the State Board of Equalization shall finally determine the fact of such operation and the liability of any such company to be taxed upon its gross receipts as provided in section two of this Act."

Also: On page 18, Section 14, line 62, of printed bill, strike out the period, insert a comma and the words "and if any property of such corporation be assessed and taxed outside of the State of California the place where assessed, the amount of such assessment and taxes there paid during such current fiscal year".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 13, with instructions to amend, respectfully reports the same back amended as per instructions.

TYRRELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Bill No. 13.

SUSPENSION OF RULE.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them: providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences by said board of inquiry before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Senate Bill No. 918 be made a special order for Thursday, March 2, 1911, at eleven o'clock A. M.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Senate Bill No. 1125 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

On motion of Senator Thompson, Senate Bill No. 912 was temporarily passed on file, to retain its place.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Senate Bill No. 786 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Senate Bill No. 1011 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 746 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

NOES—Senators Campbell and Lewis—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Caminetti, the hour of recess was extended fifty minutes.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cassidy arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I favor the principle of a pension for retired school teachers, and therefore will vote for this bill. While its present terms do not entirely meet with my views on this matter, still in the interest of the school teachers, who I am satisfied are a unit on securing the establishment of the principle of a pension at this time, I yield my right to offer an amendment which would so carry out my judgment. I think the maximum limit of annuity, namely nine hundred (900) dollars, too high, and would have preferred the sum of seven hundred and fifty (750) dollars substituted therefor. The difference between the annuity maximum and minimum amounts are not exactly fair to the class teachers, in my opinion.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty-five minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—the same was taken up for consideration.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Read on previous day.

The following amendment was offered by Senator Shanahan:

On page 7, of the printed Committee Substitute for Senate Constitutional Amendment No. 5, strike out lines 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, and insert in lieu thereof the following:

3. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, and surveyors, for the election of said officers, for the times at which and for the terms for which said officers shall be elected, and for their compensation, or for the fixing of such compensation by boards of supervisors, and

4. For justices of the peace and constables and the number thereof for each township, for the election of said officers, for the times at which and the terms for which said officers shall be elected, and their compensation, or for the fixing of such compensation by boards of supervisors.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Estudillo, Larkins, Lewis, Shanahan, Tyrrell, Wolfe, and Wright—7.

NOES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Gates, Hewitt, Juilliard, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, and Walker—21.

The following amendment was offered by Senator Roseberry:

Strike out all after the numeral "2" in line 10, down to and including the semicolon in line 25, page 7, of the printed bill, and substitute in lieu thereof the following:

"2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers or any of them for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the term of their appointment; *provided*, that whenever it is provided by the Constitution that superintendents of schools shall be appointed, such charters may provide for the manner in which, the times at which and the terms for which such superintendents of schools shall be appointed; and".

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bell, Boynton, Catten, Hurd, Larkins, Lewis, Roseberry, Wolfe, and Wright—9.

NOES—Senators Avey, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Finn, Gates, Hewitt, Juilliard, Martinelli, Regan, Rush, Shanahan, Thompson, Turrell, and Walker—18.

The following amendments were offered by Senator Hewitt:

Insert on page 7, line 10, of printed bill, immediately after the word "for" the word "sheriffs,".

Amendment adopted.

And:

Strike out on page 7, line 19, of printed bill, the word "sheriffs,".

Amendment adopted.

The following amendment was offered by Senator Cartwright:

On page 7, line 21, after the word "officers", insert the following "or any of them".

Amendment adopted.

Committee Substitute for Senate Constitutional Amendment No. 5 ordered to print and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Constitutional Amendment No. 5.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WOLFE, Chairman.

Senate Bill No. 770 ordered on file for second reading.

Also :

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to Committee on Finance.

WOLFE, Chairman.

Assembly Bills Nos. 550 and 83 ordered re-referred to Committee on Finance.

Also :

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

WOLFE, Chairman.

Assembly Bill No. 797 ordered on file for second reading.

Also :

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court and the District Court of Appeal, Third District.

Also: Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

WOLFE, Chairman.

Assembly Concurrent Resolution No. 14 ordered on file.

Senate Concurrent Resolution No. 10 ordered on file.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Also: Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 8—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Also: Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Also: Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolutions Nos. 8, 10, and 18 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 232—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 232 and 1108 read first time.

Assembly Bill No. 232 ordered referred to Committee on Finance.

Assembly Bill No. 1108 ordered referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1188—An Act relating to the Panama Pacific International Exposition Commission of the State of California and defining its powers and duties.

Also: Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Also: Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions.

Also: Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by state or county.

Also: Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Also: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

Also: Senate Bill No. 289—An Act to amend section thirty-three of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1188, 638, 603, 529, 468, 113, and 289 ordered to enrollment.

TIME OF RECESS EXTENDED.

At one o'clock and twenty minutes P. M., on motion of Senator Thompson, the hour of recess was extended five minutes.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 13 taken up for consideration, out of order.

SENATE CONCURRENT RESOLUTION NO. 13.

Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

WHEREAS, the city of Eureka, in the county of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five hundred (3,500) inhabitants, and is now, and has been ever since the second Monday in July, A. D. 1895, organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California on the 12th day of February, 1895 (Statutes of 1895, pages 375 to 405, inclusive), and which said charter has never been amended since the year 1907; and

WHEREAS, The legislative authority of said city of Eureka, to wit: the council of said city, did by an ordinance numbered 520, by it passed on the 21st day of April, 1909, and approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly proposed to the qualified electors of said city, a certain amendment to said charter of said city of Eureka; and

WHEREAS, The legislative authority of said city of Eureka, to wit: the council of said city, did by an ordinance numbered 521, by it passed on the 21st day of April, 1909, and approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly proposed to the qualified electors of said city, a certain other amendment to said charter of said city of Eureka; and

WHEREAS, Said ordinances containing said proposed amendments, respectively, to said charter, were duly published for twenty days after their passage and approval, in the Humboldt Times, a daily newspaper printed, published and generally circulated in the city of Eureka aforesaid; and

WHEREAS, The general municipal election was held in said city of Eureka on the 21st day of June, A. D. 1909, which was more than forty days after said proposed amendments had been published for twenty days, as aforesaid; and

WHEREAS, In and by said ordinances, so passed, approved and published, as aforesaid, said proposed charter amendments, respectively, were submitted to the qualified electors of said city, at said general municipal election; and

WHEREAS, On the 22nd day of June, 1909, at a meeting of said council of said city of Eureka, duly convened in accordance with law and with the provisions of said charter of said city, said mayor and council of said city of Eureka did duly and regularly canvass the returns of said general municipal election, so held on the 21st day of June, 1909, and did find therefrom that said proposed amendments to said charter, and each and both of them, were duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and said council, after canvassing said returns, and at said meeting so held as aforesaid, after said canvass, did duly find and declare that said proposed amendments and each and both of them, had been ratified by the majority of the electors voting thereon; and

WHEREAS, Said amendments so ratified by the electors, of said city of Eureka, at said general municipal election of June 21st, 1909, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, are in words and figures, respectively, as follows:

That a new section be added to Article II of said charter of the city of Eureka, the same to be known as Section 21½ of Article II thereof, and said section to be and read as follows:

Section 21½. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors; and the sufficiency of which shall not be open to review. The signatures of the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the

best of his knowledge and belief, each signature to the paper appended as the genuine signature of the person whose name purports to be thereto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination, files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council shall be delayed by judicial decision, not of God, then such election shall be called by the council to be held not less than thirty nor more than forty days from the date of which the cause of delay is removed.

That Section 60 of Article IV of said charter of the city of Eureka, be amended to read as follows:

"Section 60. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

1. Make all surveys, inspections and estimates required by the council.
2. He shall examine all public work done under contract, and report thereon in writing to the council.
3. He shall be the custodian of and responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition with a full index thereof, and all of which he shall turn over to his successor.
5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys and other professional work, made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city."

STATE OF CALIFORNIA.

COUNTY OF HUMBOLDT, } ss.
CITY OF EUREKA.

And the said W. L. Lambert, as mayor and chief executive of said city, and J. P. Wunderlich, as clerk of said city and ex officio clerk of the council of said city, do hereby certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said city of Eureka with the original ordinances, numbered 520 and 521, respectively, proposing said amendments, respectively, and submitting them to the qualified electors of said city at a general municipal election held in said city on the 21st day of June, 1909, and with the proceedings of the council of said city on file in the office of said clerk, subsequent to the passage of said ordinances and relating to the adoption of said amendments, and from said comparison and examination they find, and hereby certify that the foregoing contains a full, exact, true and correct copy of said charter amendments to the charter of said city.

And, we further hereby certify that the facts set forth in the preamble in this certificate preceding said amendments to said charter, are, and each of them, true.

And, for and on behalf of said city, we being hereinbefore duly authorized, we do hereby request the Legislature of the State of California to adopt and approve each of said amendments to said charter, as a whole, and to take such other and further steps and proceedings, as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and caused our signatures, authenticated by the official seal of said city, to be hereunto attached, this 15th day of December, A. D. 1910.

W. L. LAMBERT.

Mayor and Chief Executive of the City of Eureka.

[SEAL OF THE CITY OF EUREKA.]

Attest: J. P. WUNDERLICH.

City Clerk of the City of Eureka; ex officio Clerk of the Council of the City of Eureka.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house, voting for the adoption

of this resolution, and concurring therein). That the said amendments to the said charter of said city of Eureka, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Eureka, be, and the same are hereby approved as a whole, for and as amendments to and as part of the said charter of said city of Eureka.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Avey, Bell, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cullen, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Wolfe, and Wright—25.
 NOES—None.

Senate Concurrent Resolution No. 13 ordered engrossed and transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following

Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911.

Also Senate Bill No. 1234 An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 15 ordered transmitted to the Assembly.

Senate Bill No. 1234 ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands, within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses, for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Fish and Game.

LEWIS, Chairman.

Assembly Bill No. 575 ordered re-referred to Committee on Fish and Game.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly

on this day passed as case of urgency Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 1547 ordered referred to Committee on Finance

RECESS.

At one o'clock and twenty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRESENTATION OF BILLS, ETC.

Senator Birdsall offered, and sent to the desk for introduction, a bill
Bill ordered referred to Committee on Introduction of Bills

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to B. F. Wright, of Monterey.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. A. Mackinder, of Sacramento.

On request of Senator Shanahan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to James M. Murphy, of Sacramento.

QUESTION OF PERSONAL PRIVILEGE.

Senator Larkins arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: As a question of privilege regarding Minority Committee Report on Assembly Bill No. 248 as appears on page 16, of the Senate Daily Journal, dated February 25, 1911, Senator Larkins states that on Thursday night, the 23d day of February, at a meeting of the Committee of Labor, Capital and Immigration, held for the purpose of considering Assembly Bill No. 248, known as the Griffin Bill, after hearing the matter discussed by the proponents and opponents of the bill for several hours, Senator Wright, a member of that committee, made a motion, which was seconded by Senator Hurd, that the committee adjourn until eight o'clock P. M. on Monday, February 27th. At the time said meeting was held, all members thereof were present. At the said hour of eight o'clock P. M. of said Monday, February 27th, to which time said committee adjourned on the said motion of Senator Wright, the chairman and secretary of said committee, also Senators Hurd, Cutten and Bryant were present at the regular place of meeting of said committee. There were also present a large number of persons—so many in fact that it was uncomfortable to remain in said room. The chairman asked if any one had seen Senator Wright or knew anything of the other members of the committee. But no one had seen or heard anything of the absent members. Senator Bryant twice went to the Senate Chamber to find, if possible, some of the absent members, as Senator Cutten desired to go to the Finance Committee, of which he was chairman, where he had important business; but could find none of them. Fearing that Senator Cutten would leave and that the committee would not retain a quorum, and after waiting until 8:15 o'clock, or thereabouts, the committee proceeded to consider and report upon said bill. The chairman stated that it should first be determined whether the bill should be reported out as it came from the Assembly; that if such action should be taken by the committee then it would be useless to go into a long and tedious consideration of the many amendments offered at the previous meetings of said committee; that if

the committee should determine that the bill should not stand as it came from the Assembly, then each amendment should be taken up and considered in detail. It was then moved by Senator Bryant and seconded by Senator Cullen that said bill be reported back to the Senate with the recommendation: Do pass. Said motion was carried by the following vote: Larkins, Cullen, Bryant. Senator Hurd voted "No." It was then about 8:30 p. m., but none of the other members of said committee had yet appeared. Senator Cullen was anxious to go to his own committee, and a motion was made to adjourn, which motion was carried. Senator Hurd said before leaving the room he desired to make a minority report, whereupon he was accorded that privilege.

LEAVES OF ABSENCE.

Senator Sanford was, on motion of Senator Campbell, granted leave of absence until Friday, March 3, 1911.

Senator Hans was, on motion of Senator Martinelli, granted leave of absence for this day.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1015 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wolfe—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 663 was temporarily passed on file, to retain its place.

Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 972 finally passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Stetson, Strobbridge, Thompson, Tyrrell, and Walker—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

On motion of Senator Estudillo, Assembly Bill No. 473 was passed, to be placed on the file as unfinished business.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Read third time.

Assembly Bill No. 1067 was temporarily passed on file, in the absence of Senator Cutten, to retain its place.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1141 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Cassidy, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

On motion of Senator Holohan, Assembly Bill No. 317 was passed, to be placed on file as unfinished business.

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 929 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Cartwright, Cassidy, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase, may be made and filed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Read third time.

On motion of Senator Stetson, Assembly Bill No. 499 was temporarily passed on file, to retain its place.

Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Juilliard moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 9, the word "and", and inserting in lieu thereof the following: "or".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 382, with instructions to amend, respectfully reports the same back, amended as per instructions.

TYRRELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 407 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Caminetti, Cartwright, Cassidy, Cullen, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roscherry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

On motion of Senator Wolfe, the further consideration of Senate Bill No. 14 was temporarily postponed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810*a*, relating to conveyances by guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 472 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation

officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts." approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

On motion of Senator Campbell, Assembly Bill No. 1304 was temporarily passed on file, to retain its place.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 108 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Thompson, Tyrrell, and Wolfe—23.

NOES—Senators Bell, Birdsall, Bryant, Hare, Lewis, Martinelli, Shanahan, Stetson, Strobridge, Walker, Welch, and Wright—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School, and making provision for the return of said appropriation to the State treasury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 253 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 946 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties

in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 775 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 1547 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cutten:

Resolved, That Assembly Bill No. 1547 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wolfe—30.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1547 finally passed by the following vote:

AYES.—Senators Avey, Boban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, and Walker—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children: providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

On motion of Senator Campbell, Assembly Bill No. 1304 was passed, to be placed on the file as unfinished business.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 9 and 10, strike out the words "vests in the surviving joint tenant or joint tenants of such property", and insert in lieu thereof the following: "terminated".

Amendment adopted.

Also:

On page 2, Section 1, lines 13, 14, and 15, strike out the following: "or if such person was a married woman who at the time of her death was the owner of community property which passed upon her death to the surviving husband";

Amendment adopted.

Also:

On page 2, Section 1, line 23, strike out the word "absolutely".

Amendment adopted.

Also:

On page 2, Section 1, lines 26 and 27, strike out the words: "or community property".

Amendment adopted.

Also:

On page 2, Section 1, lines 25 and 26, strike out the words "vested in the surviving joint tenant or joint tenants", and insert in lieu thereof the following "terminated".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the word "as", and insert in lieu thereof the following: "relating".

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In lines 4 and 5, Section 1, of the printed bill, strike out the words "to be paid to the Board of Managers of the Southern California State Hospital".

Amendment adopted.

Also:

In line 5, Section 1, of the printed bill, strike out the words "by them" after the word "be".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

During second reading of the bill, the following amendments were submitted by committee:

In lines 4 and 5, Section 1, of the printed bill, strike out the words "to be paid to the Board of Managers of the Southern California State Hospital".

Amendment adopted.

Also:

In line 5, Section 1, of the printed bill, strike out the words "by them" after the word "be".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of Assembly Bill No. 248 be made a special order for Thursday, March 2, 1911, at three o'clock and thirty minutes p. m.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and fifteen minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493 of the Political Code of the State of California, relating to reclamation and swamp land districts.

During second reading of the bill, the following amendment was submitted by committee:

On page 10, Section 13, line 6, strike out the word "thereon", and all of lines 7 and 8, and the words "said lien" on line 9.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 875 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Read third time on previous day.

Motion to refer to special committee of one made on February 28, 1911, as follows, and then postponed for further consideration.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

By striking out of line 7, of the title of the printed bill, after the word "one", the words "six, seven and thirteen".

Also: On pages 5, 6, 7 and 8, of the printed bill, strike out all of Sections 2, 3 and 4.

Also: On page 8, of the printed bill, after the word: "Sec.", strike out the figure "5", and insert in lieu thereof the figure "2".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 875, with instructions to amend, respectfully reports the same back amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Hurd, the Secretary was directed to issue a rush order for printing Senate Bill No. 875.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Gates asked for, and was granted, unanimous consent to take up Senate Bill No. 1085 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Walker, as a special committee of one, to amend as follows:

By striking out of Section 1, line 22, the words "give notice", and insert in lieu thereof the following: "to notify".

Also: By striking out of Section 1, line 27, the word "mortgagee", and insert in lieu thereof the following: "lienor".

Also: By striking out of Section 1, line 29, the word "mortgagee", and insert in lieu thereof the following: "lienor".

Also: By striking out of Section 1, line 32, the word "mortgagee", and insert in lieu thereof the following: "lienor".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1085, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SENATOR GATES IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Senator Gates, of the Thirty-fourth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 14, the same was taken up for consideration.

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compen-

sation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

Read third time on previous day.

Motion to refer to special committee of one made on February 28, 1911, as follows, and then made special order for this time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Larkins moved to refer to Senator Strobridge, as a special committee of one, to make the following amendments:

On page 2, Section 1, line 21, of Senate Bill No. 14, after the word "servant", insert the following: "except that an employer in any action, may show in all cases where laborers shall be employed in business not hazardous in character that no act or omission of such employer caused or tended to cause such injury, and in such cases an employer shall not be responsible for any damages caused by the want of ordinary or reasonable care of a fellow servant, when such employer does not cause or contribute to such injury by any act or omission upon his part."

Also: On page 3, Section 4, line 6, strike out the word "person."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 14, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

MOTION.

Senator Larkins moved to segregate the amendments referred to Senator Strobridge, and to take a separate vote on each amendment.

Motion carried.

The question being on the adoption of the report of the special committee of one as to amendment No. 1 of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Larkins, Strobridge, and Wright—3.

NOES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wolfe—29.

The question being on the adoption of the report of the special committee of one as to amendment No. 2 of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Avey and Larkins—2.

NOES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Welch, Wolfe, and Wright—30.

SUSPENSION OF RULE.

On motion of Senator Wolfe, the rule limiting the time of a speaker during debate to five minutes was suspended during the consideration of Senate Bill No. 14.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Larkins arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT. In explanation of my vote on Senate Bill No. 14, I voted "Aye" for the following reasons:

I did so, I would by way of offering amendments to the bill to have business which is not hazardous or dangerous in its nature, exempted from the provisions of said bill. But the same were voted down by the Senate. I believe that the fellow-senator who should not apply to business and occupations which are in their nature hazardous or dangerous and desired to vote for such provision. I therefore voted "Aye" because I thought by such vote I would do more good than harm.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Bell, the second reading of Senate bills was taken up for consideration, out of order.

WITHDRAWAL OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 942—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Senate Bill No. 942 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1177. Committee Substitute for —An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

On motion of Senator Hurd, Committee Substitute for Senate Bill No. 1177 was temporarily passed on file, to retain its place.

Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes, and providing a penalty.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 8, line 7, strike out the words: "in a sanitary condition".

Amendment adopted.

Also:

On page 3, Section 8, line 6, after the word "certified", insert the following "to be in a sanitary condition".

Amendment adopted.

Also:

On page 3, Section 8, line 12, strike out the words "state commissioner", and insert in lieu thereof the following: "secretary of state board".

Amendment adopted.

Also:

On page 1, title, line 5, after the word "penalty", insert the following "for the violation thereof".

Amendment adopted.

Also:

On page 4, Section 10, line 3, after the word "misdemeanor", insert the following "and be punishable by a fine of not less than thirty dollars, or imprisonment in the county jail for not less than fifteen days, or by both such fine and imprisonment".

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the word "provide", insert the following: "rules for and".

Amendment adopted.

Also:

On page 3, Section 8, line 19, strike out, after the word "fish", the rest of the section, and insert the following: "that have been shipped into this State from any place outside the boundaries of the State of California, unless such oysters, or shell fish, shall have been kept under continuous refrigeration from the time they were taken from the grounds, or beds where grown, at a temperature sufficiently low to preserve the same and keep them sound, sweet and untainted, nor unless they shall have been packed for shipment and shipped and transported in containers such as thoroughly to protect them from contamination."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, churches and other places and providing for the punishment for violation of this Act.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 4, line 3, after the word "misdemeanor", insert the following: "and be punishable by a fine of not less than twenty dollars or imprisonment in the county jail for not less than ten days or by both such fine and imprisonment".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 439—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, of the title, strike out the number "4237", and insert in lieu thereof the number "4238".

Amendment adopted.

Also:

In line 4, of the title, strike out the word "eighth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Also:

In Section 1, line 1, of the printed bill, strike out the figures "4237", and insert in lieu thereof the figures "4238".

Amendment adopted.

Also:

In Section 1, line 3, of the printed bill, strike out the figures "4237", and insert in lieu thereof the figures "4238".

Amendment adopted.

Also:

In Section 1, line 3, of the printed bill, strike out the word "eighth", and insert the word "ninth".

Amendment adopted.

Also:

In Section 1, line 4, of the printed bill, strike out the word "service", and insert in lieu thereof the word "services".

Amendment adopted.

Also:

In Section 1, line 13, of the printed bill, insert the words "three hundred" after the word "thousand".

Amendment adopted.

Also:

On page 2, Section 1, line 35, after the word "provided", insert as follows: "that for doing this work he shall receive the sum of twelve hundred dollars per annum

which amount shall be allowed by the board of supervisors and paid from the general fund of the county, and that".

Amendment adopted.

Also:

On page 2, Section 1, line 36, after the word "no", insert the word "additional".

Amendment adopted.

Also:

In Section 1, page 4, line 99, after the word "allowed", in the printed bill, insert the following: "Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors, *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year."

Amendment adopted.

Also:

In Section 1, page 4, line 100, of the printed bill, strike out the letters "over", and insert in lieu thereof the following: "The bonds of the clerk, sheriff, recorder, auditor, treasurer,".

Amendment adopted.

Also:

On page 4, Section 1, line 103, strike out the word "that".

Amendment adopted.

Also:

On page 4, Section 1, line 110, after the word "deputy", insert the following: "who shall act as clerk".

Amendment adopted.

Also:

In Section 1, line 120, page 4, of the printed bill, strike out the word "four", preceding the word "deputies", and insert in lieu thereof the word "three".

Amendment adopted.

Also:

In Section 1, page 4, line 121, of the printed bill, strike out all of the line after the word "each" and all of line 122, and insert in lieu thereof the following: "the recorder shall hire necessary assistance in preparing abstracts of mortgages for the assessor, in extending taxes, and purposes of emergency, for not to exceed three dollars and fifty cents per diem each, nor shall the aggregate salaries for such work exceed twenty-four hundred dollars in any one year."

Amendment adopted.

Also:

In Section 1, line 126, page 4, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

Also:

In Section 1, line 131, page 5, of the printed bill, strike out the period after the word "annum", and insert the following: ", and one stenographer at a salary of twenty-one hundred dollars per annum."

Amendment adopted.

Also:

In Section 1, line 151, page 5, of the printed bill, insert the words "emergency help," after the word "assistants,".

Amendment adopted.

Also:

In Section 1, line 153, page 5, of the printed bill, strike out the period after the word "paid", and insert the following: ", and they shall be paid from the salary fund."

Amendment adopted.

Also:

In Section 1, line 156, page 5, of the printed bill, strike out the period and add the words "and fifty cents." after the word "dollars".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF SPECIAL APPROPRIATION FILE—OUT OF ORDER.

On motion of Senator Cartwright, the second reading of the special appropriation file was taken up for consideration, out order.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, of the printed bill, amend the title by striking out the following words: "construction of a building, and the".

Amendment adopted.

Also:

On page 1, in Section 1, of the printed bill, between the words "Fresno" and "Normal", at the end of line 2, and at the beginning of line 3, insert the word "State".

Amendment adopted.

Also:

In Section 1, line 3, of the printed bill, after the word "for", strike out the following: "the".

Amendment adopted.

Also:

In Section 1, line 3, of the printed bill, after the word "educating", strike out the following: "of".

Amendment adopted.

Also:

On page 1, Section 1, line 5, of the printed bill, after the word "state", strike out the period and substitute a semicolon therefor, and insert thereafter the following: "the course of study prescribed for use in said school to include agriculture and manual training".

Amendment adopted.

Also:

On page 1, Section 2, of the printed bill, in line 7, after the word "Fresno", insert the following: "State".

Amendment adopted.

Also:

On page 1, Section 2, line 10, of the printed bill, strike out the words "within ninety days after the passage of this Act".

Amendment adopted.

Also:

On page 2, in Section 2, line 12, of the printed bill, after the words "location of", strike out the following: "the said".

Amendment adopted.

Also:

On page 2, in Section 2, line 16, of the printed bill, after the word "Fresno", insert the following: "State".

Amendment adopted.

Also:

On page 2, in Section 2, line 17, of the printed bill, strike out the following: "provided, that no money shall be expended"; also strike out all of lines 18 and 19.

Amendment adopted.

Also:

On page 2, of the printed bill, strike out all of Section 3, and insert in lieu thereof the following:

"SEC. 3. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys of the State not otherwise appropriated, for the maintenance of the said Fresno State Normal School, during the sixty-third and sixty-fourth fiscal years."

Amendment adopted.

Also:

On page 2, in Section 4, line 3, of the printed bill, strike out the following: "by renting suitable buildings therefor", and insert in lieu thereof the following: "in buildings or rooms to be furnished by the board of education of the city of Fresno free of cost to the State of California."

Amendment adopted.

Also:

On page 2, Section 4, line 5, of the printed bill, after the words "teachers for" strike out the word "the"; also at the end of said line 5, strike out the words "of the".

Amendment adopted.

Also:

On page 2, Section 4, line 6, of the printed bill, after the word "Fresno", insert the word "State".

Amendment adopted.

Also:

On page 2, Section 4, line 6, of the printed bill, after the word "school", insert the following: "and".

Amendment adopted.

Also:

On page 2, strike out all of Section 5, and insert in lieu thereof the following: "SEC. 5. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Also:

On page 2, of the printed bill, strike out all of Sections 6 and 7.

Amendment adopted.

Also:

Renumber the sections in consecutive order.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

During second reading of the bill, the following amendment was submitted by committee:

In Section 2, line 2, strike out after the word "warrant", all of the words up to and inclusive of the word "California" on line 3, and insert in lieu thereof "for said sum of twenty-five thousand (\$25,000.00) dollars."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Bell, the third reading of special appropriation file was taken up for consideration, out of order.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was passed, to be placed at the foot of the file.

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California. Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 914 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell,

Cartwright, Cassidy, Curtin, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1234 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Being absent from the Senate Chamber at the time of the passage of Senate Bill No. 14, I desire to record the fact that if present I would have voted for the bill.

THIRD READING OF SPECIAL APPROPRIATION FILE—OUT OF ORDER (RESUMED).

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Senate Bill No. 432 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 passed by the following vote:

AYES.—Senators Avey, Beban, Bills, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

Senate Bill No. 156 was temporarily passed on file, in the absence of the author, to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

Also: Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Have the same under consideration, and respectfully report the same back and recommend that they do pass.

MARTINELLI, Chairman.

Senate Bills Nos. 238 and 355 ordered on file for second reading.

SENATOR GATES IN THE CHAIR.

At five o'clock and twenty-five minutes P. M., Senator Gates, of the Thirty-fourth District, in the chair.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Regan asked for, and was granted, unanimous consent to take up Senate Bill No. 978 for consideration, out of order.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Read third time.

On motion of Senator Regan, Senate Bill No. 978 was temporarily passed on file, to retain its place.

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 1052 for consideration out of order, for the purpose of amendment.

Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State which sustained net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Avey, as a special committee of one, to amend as follows:

By inserting after the word "manner" on line 4, of Section 3, of page 2, the following: "provided for settlement between treasurers of the counties or cities and counties and the State Controller, by section three thousand eight hundred and sixty-six of the Political Code."

Also: On page 2, Section 2, line 10, strike out the figures "\$52,897", and insert in lieu thereof the figures "\$52,987".

Also: On page 2, Section 2, line 9, strike out the figures "\$2,477", and insert in lieu thereof the figures "\$2,478".

Also: On page 2, Section 2, line 9, strike out the figures "\$5,858", and insert in lieu thereof the figures "\$5,861".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1052, with instructions to amend, respectfully reports the same back, amended as per instructions.

AVEY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, Los Angeles County, California—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HURD, Chairman.

Assembly Concurrent Resolution No. 20 ordered on file.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1249, by Senator Birdsall, entitled "An Act making an appropriation to assist in the erection of a monument to the memory of the Pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof."

Also: Senate Concurrent Resolution No. 17, by Senator Juilliard, entitled "Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said bill and concurrent resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Boynton:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce the bill and concurrent resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Birdsall: Senate Bill No. 1249—An Act making an appropriation to assist in the erection of a monument to the memory of the Pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Bill read first time, and referred to Committee on Finance.

By Senator Juilliard: Senate Concurrent Resolution No. 17—Approving the charter of the city of Petaluma.

Senate concurrent resolution referred to Committee on Municipal Corporations.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Stetson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Also: Senate Bill No. 723—An Act amending section one hundred seventy-one a of the Penal Code of California.

And respectfully request your honorable body to concur in the same.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 360?"

On page 2, Section 1, line 12, of the printed bill, strike out the words "thirty-three", and insert in lieu thereof the words "twenty-five".

Also: On page 2, Section 1, line 27, of the printed bill, strike out the words "great register", and in lieu thereof insert the words "records of registration".

Also: On page 2, Section 1, line 29, insert a comma after the word "council" and the following words: "board of trustees or other governing body".

Also: On page 2, Section 1, line 40, after the word "council" insert a comma.

Also: On page 2, Section 1, line 40, of the printed bill, after the word "trustees", insert the words "or other governing body".

Also: On page 2, Section 1, line 41, after the word "council", insert a comma.

Also: On page 2, Section 1, line 41, of the printed bill, after the word "trustees", insert the words "or other governing body".

Also: On page 3, Section 1, line 54, of the printed bill, strike out the words "any person", also all of lines 55 and 56 and as much of line 57 as is a part of the sentence stricken out, to and including the word "nomination".

Also: On page 3, Section 1, line 62, of the printed bill, strike out the word "as".

Also: On page 3, Section 1, line 61, of the printed bill, strike out the word "the", also all of lines 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, and in line 75 the word "vacant"; and in lieu thereof insert the following:

"There shall be printed on the recall ballot as to every officer whose recall is to be voted on thereat, the following question: 'Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?' following which question shall be the words 'Yes' and 'No' on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote 'No,' said incumbent shall continue in said office. If a majority shall vote 'Yes,' said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law."

Also: On page 3, Section 1, line 78, of the printed bill, strike out the words "If the incumbent receives the", also all of line 79, and in line 80 the word "office".

Also: On page 4, Section 2, line 27, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Also: On page 5, line 42, Section 2, of the printed bill, strike out the word "personal".

Also: On page 5, Section 2, line 44, of the printed bill, before the word "trustees" insert the words "board of".

Also: On page 6, Section 3, line 16, of the printed bill, insert after the word "board" the following words: "of trustees".

Also: On page 6, Section 3, line 18, of the printed bill, after the word "board" insert the following words: "of trustees".

Also: On page 6, Section 3, line 19, of the printed bill, after the word "board" insert the following words: "of trustees".

Also: On page 6, Section 3, line 31, of the printed bill, after the word "board" insert the following words: "of trustees".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 360 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hewitt, Juilliard, Lewis, Regan, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—26.
 NOES—None.

Senate Bill No. 360 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 723?"

After the comma, after the word "prison", on line 4, add the words "town or".

Also: After the first word "jail", on line 4, of the printed bill, add a comma, and the words: "or city".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 723 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.
 NOES—None.

Senate Bill No. 723 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 718 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 887 and 888 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 593—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Also: Senate Bill No. 764—An Act to add a new section to the Penal Code of the State of California, to be known and numbered 493a, making it a misdemeanor for any unauthorized person to solicit, procure, or obtain any risk for any insurance company, or association.

Have had the same under consideration, and respectfully report the same back, and recommend that authors be permitted to withdraw same.

ROSEBERRY, Chairman.

Senate Bills Nos. 593 and 764 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Hewitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 593—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Senate Bill No. 593 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 903 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Also: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

Have had the same under consideration, and respectfully report the same back and recommend that same be adopted.

ROSEBERRY, Chairman.

Senate Constitutional Amendments Nos. 32 and 45 ordered on file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 27, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof and by amending new Sections 12a, 52, 53, and 84 thereto—and report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 940 ordered on file for third reading.

REPORTS OF STANDING COMMITTEE—[OUT OF ORDER]

The following reports of standing committee were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

Also: Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

Also: Senate Joint Resolution No. 21—Relative to requesting our Senators in Congress to support "A bill, House Resolution No. 29346," pending in the Senate of the United States.

Also: Senate Joint Resolution No. 22—Relative to the issuance of internal revenue licenses.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

WRIGHT, Chairman.

Assembly Joint Resolutions Nos. 10 and 6 ordered on file.

Senate Joint Resolutions Nos. 21 and 22 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States—have had the same under consideration, and respectfully report the same back and recommend that it be adopted as amended.

WRIGHT, Chairman.

Senate Joint Resolution No. 23 ordered on file.

ANNOUNCEMENT.

The President of the Senate presented the following communication, relative to the accrediting of newspaper correspondent, which was read and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, March 1, 1911.

Mr. Walter N. Parrish, Secretary of Senate.

DEAR SIR: Mr. F. De Witt Gauterau will represent the Pacific Press during the remainder of the session. Please extend to him the courtesies our other representatives have enjoyed. Thanking you for such consideration, we are

Respectfully yours, etc.,

THE PACIFIC PRESS.

Per J. F. BLUNT.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, March 2, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 1, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. J. Tra-bucco, of Mariposa.

PETITION.

The following petition was received and ordered printed in the Journal.

WHEREAS, The several bills introduced by Assemblyman Griffiths with a view to abolishing the Fish and Game Committee, and placing the game affairs of the State

in the hands of the State Forester, contain therein a grave danger of diverting the money contributed by the hunters of the State from that of game conservation to that of forestry; therefore be it

Resolved, That the Legislature of the State of California be, and is hereby, requested, by this association of common hunters of the State, to direct the outlay of the moneys contributed by the hunters of the State in such manner as will advance solely the game and hunting interests of the State;

Resolved, That the Legislature of the State be urged to defeat the said Griffiths bills owing to the possibility therein of diverting the hunters' contributions to the State into channels of little value to the hunters providing this money for the State.

CALIFORNIA SPORTSMEN'S GAME PROTECTIVE ASSOCIATION.

W. J. BRADY, Secretary, 2436 Greenwich Street.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1062—An Act to provide for the completion of the construction of the highway known as King's River Highway, and to make an appropriation therefor

Also: Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Finance.

GATES, Chairman.

Senate Bills Nos. 1062 and 1035 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Also: Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Also: Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Also: Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GATES, Chairman.

Assembly Bills Nos. 175, 1191, 639, and 1192 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 5906, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

GATES, Chairman.

Assembly Bill No. 971 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors and marines who served in the arm or navy of the United States.

Also: Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

Also: Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Also: Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 746, 103, 643, and 726 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be not adopted as amended.

STETSON, Chairman.

Senate Constitutional Amendment No. 35 ordered on file.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Senate Bill No. 894 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 651—An Act to add a new section to the Penal Code of

California, to be known as section two hundred forty-seven, relating to the use of firearms.

On motion of Senator Welch, Senate Bill No. 651 was passed, to be placed at the foot of the file.

Senate Bill No. 1010 (Committee Substitute for) — An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1010 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Cammerly, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

On motion of Senator Hewitt, Senate Bill No. 988 was temporarily passed on file, to retain its place.

Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1125 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

On motion of Senator Thompson, Senate Bill No. 912 was temporarily passed on file, to retain its place.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

Also: Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 68 thereof and by adding a new section to be numbered Section 68½.

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities and amendments thereto.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 13 ordered transmitted to the Assembly.

Senate Bill No. 939 ordered on file for second reading.

Senate Constitutional Amendment No. 20 ordered on file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1011 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

On motion of Senator Hewitt, Senate Bill No. 899 was passed, to be placed at the foot of the file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 918

—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Hewitt moved that the further consideration of Senate Bill No. 918 be postponed temporarily.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities and amendments thereto.

Senate constitutional amendment read.

SPECIAL ORDER SET.

Senator Hewitt moved that the further consideration of Senate Constitutional Amendment No. 20 be made a special order for Friday, March 3, 1911, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, copartnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act—the same was taken up for consideration.

Senate Bill No. 918—An Act for the investigation of all disputes and differences between persons, copartnerships, or associations, in charge of a public use, or engaged in public work of any kind or nature, and

persons employed by them; providing for the selection and appointment of a board of inquiry to investigate such disputes and differences, defining the powers of such board of inquiry, compelling persons, co-partnerships, or associations in charge of a public use or engaged in public work of any kind or nature, and persons employed by them, to submit a statement of their differences to the Commissioner of the Bureau of Labor Statistics, and to await the investigation of such disputes and differences, by said board of inquiry, before a strike or lockout is declared, and providing penalties for the violation of any of the provisions of this Act.

Read third time.

SUSPENSION OF RULE.

On motion of Senator Wright, the rule limiting the time of a speaker during debate to five minutes was suspended during the consideration of Senate Bill No. 918.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Wolfe, the hour of recess was extended two hours and fifteen minutes.

SUSPENSION OF RULE.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

SENATOR WRIGHT IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Senator Wright, of the Fortieth District, in the chair.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 918 refused passage by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Estudillo, Gates, Hewitt, Holohan, Hurd, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, and Wright—16.

NOES—Senators Behan, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Finn, Hans, Hare, Juilliard, Larkins, Lewis, Martelli, Regan, Shanahan, Tyrrell, Welch, and Wolfe—22.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Also: Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of

certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Also: Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 719, 720, 1047, and 1088 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 1170 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI, of the Constitution of the State of California.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 43, relating to appeals in criminal cases.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Constitutional Amendments Nos. 2 and 26 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Also: Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Also: Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Also: Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum, and recall by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Also: Assembly Bill No. 585—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Also: Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Also: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution and to make an appropriation therefor.

Also: Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d, and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office; also providing for a state board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for positions as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Also: Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof;" approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 14, 2, 3, 7, 9, 11, 17, and 19 thereof and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the department of engineering, their powers, duties and salaries.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS G. WALKER, Assistant Clerk.

Assembly Bills Nos. 209, 210, 166, 891, 892, 100, 585, 159, 165, 549, 965, and 961 read first time.

Assembly Bills Nos. 209, 210, 166, 891, 159, 165, and 549 ordered referred to Committee on Finance.

Assembly Bills Nos. 892 and 585 ordered referred to Committee on Judiciary.

Assembly Bill No. 100 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 965 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bill No. 961 ordered referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

Also: Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California relating to railroads and other transportation companies.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 48 ordered referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 50 ordered referred to Committee on Corporations.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the consideration of Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act—heretofore set as a special order for three o'clock and thirty minutes P. M. this day, be postponed and made a special order for Thursday, March 2, 1911, at four o'clock P. M.

Motion carried.

RECESS.

At two o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the acting President, declared the Senate at recess until four o'clock P. M.

RECONVENED.

At four o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to John S. Drum, of San Francisco.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the further consideration of Assembly Bill No. 248 be postponed until Friday, March 3, 1911, immediately after the special order heretofore set.

Motion carried.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two, providing for an engineer, inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Also: Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor.

Also: Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 627, 1160, 28, 37, 208, 209, 212, and 771 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 33—An Act making an appropriation for the equipment, support, and maintenance of the branch agricultural experiment station in Imperial County.

Also: Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park and grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Also: Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Also: Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 33, 921, 89, 559, 562, 563, 565, and 566 ordered on file for second reading.

Assembly Bills Nos. 89, 91, 83, and 227 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred the following Senate bill from the Committee on Prisons and Reformatories: Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at said prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 657 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also: Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Also: Assembly Bill No. 849—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Also: Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Also: Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Pixotto, C. C. McDougall, A. J. Hetchman, and James Rolph, Jr., against the State of California and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 129, 224, 849, 1065, and 1149 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the Chief of Engineers, United States army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor do pass.

CUTTEN, Chairman.

Senate Bill No. 407 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code relating to leases of city and town lots—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

CUTTEN, Chairman.

Assembly Bill No. 996 ordered re-referred to Committee on Judiciary.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE OFFICE,
SACRAMENTO, February 28, 1911.

To the Senate of the State of California:

In accordance with Section 22, of Article IV of the Constitution of the State of California, I hereby appoint by and with your consent, the following named persons, members of the commission known as the Panama-Pacific International Exposition Commission of the State of California: Matt I. Sullivan, of San Francisco, who is hereby designated as the president of said commission; Chester H. Rowell of Fresno; R. Cameron Rogers of Santa Barbara; and Marshall Stimson of Los Angeles.

Respectfully,

HIRAM W. JOHNSON,
Governor of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate advise and consent to the same.

AVEY, Chairman.

The President put the question, "Will the Senate advise and consent to the appointment of Matt I. Sullivan, of San Francisco, a mem-

ber of the Panama-Pacific International Exposition Commission of the State of California?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Whereupon the President announced that the appointment of Matt I. Sullivan, of San Francisco, a member of the Panama-Pacific International Exposition Commission of the State of California, and who is, hereby designated as the president of said commission, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Chester H. Rowell, of Fresno, a member of the Panama-Pacific International Exposition Commission of the State of California?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Whereupon the President announced that the appointment of Chester H. Rowell, of Fresno, a member of the Panama-Pacific International Exposition Commission of the State of California, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of R. Cameron Rogers, of Santa Barbara, a member of the Panama-Pacific International Exposition Commission of the State of California?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of R. Cameron Rogers, of Santa Barbara, a member of the Panama-Pacific International Exposition Commission of the State of California, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Marshall Stimson, of Los Angeles, a member of the Panama-Pacific International Exposition Commission of the State of California?"

The roll was called, with the following result:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of Marshall Stimson, of Los Angeles, a member of the Panama-Pacific International Exposition Commission of the State of California, had been duly confirmed.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation;" providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau.

Also: Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 649—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Also: Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also: Senate Bill No. 1153—An Act to add a new section to the Code of Civil Procedure to be numbered Section 391.

Also: Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 25, 522, 523, 524, 525, 526, 649, 650, 1153, and 1171 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Also: Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1900.

Also: Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases

arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said Act to be numbered section five and one half, relating to the presiding judges of such courts.

Also: Senate Bill No. 1147—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

And report that the same have been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bills Nos. 13, 504, 959, 1140, and 1147 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor—have had the same under consideration, and respectfully report the same back amended, and recommend that it do pass as amended.

BILLS, Chairman.

Senate Bill No. 453 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 678—An Act to conduct investigations and demonstrations for the reclamation of arid lands and the establishment of experimental farms for such purpose and the appropriation of money therefor.

Also: Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 678 ordered re-referred to Committee on Finance.

Assembly Bills Nos. 221, 222, and 225 ordered re-referred to Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Finance.

GATES, Chairman.

Senate Bill No. 1241 ordered re-referred to Committee on Finance.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Also: Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

TYRRELL, Chairman.

Senate Bills Nos. 1175 and 1176 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TYRRELL, Chairman.

Assembly Bill No. 848 ordered on file for second reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second reading of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

During second reading of the bill, the following amendments were submitted by committee:

In lines 3 and 4, Section 2, page 1, of the printed bill, strike out the words "town or village", and insert in lieu thereof the words "union high school district".

Amendment adopted.

Also:

In line 1, Section 7, page 2, of the printed bill, strike out the words "a majority", and insert in lieu thereof the words "two thirds".

Amendment adopted.

Also:

In line 1, Section 8, page 3, of the printed bill, strike out the words "a majority", and insert in lieu thereof the words "one third".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 992—An Act concerning tunnels, tubes, and subways under navigable streams and bodies of water in the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, of the printed bill, strike out the word "of" after the word "county", and insert in lieu thereof the word "or".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 553—Committee Substitute for . . . An Act to divide the State of California into six fish and game districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 41566, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trademarks.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one a, relating to filing a copy of printed notice to creditors.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, after the word "file", insert the following: "and cause to be filed".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the words "his affidavit", and insert in lieu thereof the following: "a statement".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Sections 2 and 3, lines 1 and 2, strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purpose for which the same shall be used.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of an exposition in Balboa Park in said city of San Diego, California—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WOLFE, Chairman.

Assembly Bill No. 661 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be referred to Committee on Finance.

WOLFE, Chairman.

Senate Bill No. 442 ordered re-referred to Committee on Finance.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 607 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Stetson, the third reading of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Senate Bill No. 269 was temporarily passed on file, in the absence of Senator Curtin, to retain its place.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 finally passed by the following vote:

AYES.—Senators Avey, Beban, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES.—Senator Thompson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 293 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1067 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1096 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1097 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Tyrrell, Welch, Wolfe, and Wright—25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Rush, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 504 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Cassidy, Curtin, Cutten, Estudillo, Finn, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the Register's office and their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 729 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Burnett, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Welch, Wolfe and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

COMMUNICATION—(OUT OF ORDER).

Senator Wolfe presented the following telegram, which was ordered printed in the Journal:

SAN FRANCISCO, February 28, 1911

Hon. Edward I. Wolfe, Sacramento, Cal.:

Will you be kind enough to present the following resolution to the proper authorities for introduction in both houses of the Legislature of California? At the annual convention of District Grand Lodge No. 4, Independent Order B'nai B'rith, held at San Francisco, Cal., February 20th-22d, the undersigned executive officers were unanimously instructed to petition the Legislature of the State of California to adopt resolutions addressed to the President of the United States and the Congress of the United States in favor of the adoption of the resolution now pending in Congress looking to the universal recognition of American passports so that no discrimination shall be had by any foreign power against an American citizen carrying an American passport, no matter what his race or creed may be.

OTTO IRVING WISE, Grand President.

ISADORE M. GOLDEN, First Vice-President.

I. ASCHHEIM, Secretary.

PRESENTATION OF BILLS, ETC.

Senator Wolfe offered, and sent to the desk for introduction, a Senate joint resolution.

MOTION.

Senator Wolfe asked for, and was granted, unanimous consent to take up the Senate joint resolution, without reference to special Committee on Introduction of Bills, or standing committee.

MOTION.

Senator Wolfe moved that Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied

with, and that he be, and hereby is, permitted to introduce the joint resolution.

The question being on the motion of Senator Wolfe.

The roll was called, and the motion carried by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Joint Resolution No. 24—Relative to the recognition by all nations of American passports.

SUSPENSION OF RULES.

Senator Wolfe asked for, and was granted, unanimous consent that the rules be suspended, and Senate Joint Resolution No. 24 be placed on file, without print or reference to committee.

SENATE JOINT RESOLUTION No. 24.

WHEREAS, There is now pending in the Congress of the United States a resolution demanding the universal recognition by all nations of American passports so that there shall be no discrimination by any foreign power against any American citizen holding an American passport by reason of his race or creed; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That our Senators be instructed and our Representatives requested to use their best efforts to secure the adoption of this resolution so that all American citizens, without regard to their religion, may be on an equal footing when seeking to enter foreign countries and in possession of an American passport; and be it further

Resolved, That the Secretary of the Senate be instructed to send this resolution to the Speaker of the House of Representatives, the President of the Senate and the President of the United States by wire as soon as it shall be adopted by both houses of the Legislature.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 24 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—30.

NOES—None.

Senate Joint Resolution No. 24 considered engrossed and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of ninety-seven and one half dollars (\$97.50) out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your Committee for Washington Memorial

Exercises, which were held on Wednesday evening, February 22, 1911, in the Assembly Chamber, itemized account of which is as follows:

Printing programs -----	\$12 50
Music (including piano rental) -----	30 00
Decorations -----	35 00
Plants -----	5 00
Veterans (life and drum corps) -----	5 00
Rental of chairs -----	2 50
Labor -----	7 50
Total -----	\$97 50

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Holdham, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Welch, and Wright—30.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be and he is hereby directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$453.95, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

BURNETT, Chairman.

BELL.

CAMPBELL.

Sacramento, Cal., March 2, 1911.

Suter-Hovever Mill and Manufacturing Co., Sacramento.....	\$247 50
F. R. Pulford, Sacramento -----	73 45
Kane & Trainor, Sacramento -----	28 00
Whiskey Hill Water Co., Sacramento -----	105 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Martinelli, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Welch, and Wright—28.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That E. B. Gertin, now occupying the position of clerk of the County Government Committee, be and he is hereby dropped from the list of attachés of the Senate, and his name stricken from the pay roll of said Senate.

March 2, 1911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Martinelli, Roseberry, Rush, Strobbridge, Thompson, Tyrrell, and Welch—24.

NOES—None.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER)—(RESUMED).

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobbridge, Thompson, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 174 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobbridge, Thompson, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock and twenty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER)—(RESUMED).

Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Cassidy asked for, and was granted, unanimous consent, that the pages be excused from service from six o'clock of this day until Friday, March 3, 1911.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER)—(RESUMED).

Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobridge, Tyrrell, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 126 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1003 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Tyrrell, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 991 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Holohan, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strohbridge, Thompson, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WELCH IN THE CHAIR.

At five o'clock and forty minutes P. M., Senator Welch, of the Nineteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS, ETC.—(OUT OF ORDER)—(RESUMED).

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Shanahan, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION NO. 14.

Relative to a building for the California State Library, the Supreme Court, and the District Court of Appeal, Third District.

WHEREAS, The quarters of the State Library are so badly crowded as to hinder the growth of the institution, and so poorly adapted to the business of a library that its operations are carried on with great inconvenience and loss of time both on the part of the library employees and of the users of the library; and

WHEREAS, The State Library's large collections of books, manuscripts, documents, maps, etc., of great historical importance and of a momentary value conservatively estimated at five hundred thousand dollars, and not to be replaced at any price, are liable to destruction by fire; and

WHEREAS, A large number of private collections of Californiana, of general private libraries, and of collections of articles of historical significance which should be preserved in a state museum, would be given to the State if the State Library were housed in a fireproof building; and

WHEREAS, The quarters for holding the sessions of the Supreme Court and of the District Court of Appeal, Third District, are so inconvenient and so inadequate as to hinder the expeditious handling of the court's business, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That the Board of Trustees of the State Library and the Justices of the District Court of Appeal, Third District, be and are hereby appointed a commission to investigate and ascertain the necessity of erecting a building for the proper housing of the State Library, the Supreme Court and the District Court of Appeal, Third District; and be it further

Resolved. That the commission shall report the result of its investigations, together with recommendations, to the Governor, at least ninety days prior to the convening of the fortieth session of the California State Legislature; and be it further

Resolved. That the investigations shall be made without expense to the State.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 20.

Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

WHEREAS, The city of Pomona, a municipal corporation of the county of Los Angeles, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants; and

WHEREAS, At a special election duly held in said city on the 3d day of November, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Pomona; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Pomona, and the other copy with the county recorder of the said county of Los Angeles and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Pomona Daily Review" and in the "The Pomona Progress", each being a daily newspaper of general circulation in said city of Pomona, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Pomona to the qualified electors of said city of Pomona at a special election, previously duly called and therein held on the 16th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Pomona, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for Section 89, Article XV of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF POMONA PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED NOVEMBER 3d, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF POMONA.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1. The municipal corporation now existing, and known as the city of Pomona, shall remain and continue a body politic and corporation in name and in fact by the name of the city of Pomona, and by such name shall have perpetual succession.

SEC. 2. The city of Pomona shall remain vested with, and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SEC. 3. The boundaries of the city of Pomona shall be as follows:

Commencing at the southeast corner of the Pomona Tract, according to the plat of said tract recorded in the recorder's office, in and for said county of Los Angeles; thence running northeasterly along the line of the township of San Jose to the N. E. corner of lot 24 of the "Northeast Pomona Tract"; thence westerly along the dividing line between lots as platted to the S. W. corner of lot 29 of the "Loop and

Meserve Tract;" thence northerly along the dividing line between lots as platted to the S. W. corner of lot 14 of the "Loop and Meserve Tract;" thence west to the S. W. corner of lot 13 of the "Loop and Meserve Tract;" thence northerly on the dividing line between lots as platted, to the northeast corner of lot 6 of the "Loop and Meserve Tract;" thence westerly along the north line of said "Loop and Meserve Tract" to the northwest corner of lot 1 of said tract; thence south to the north line of Cucamonga avenue; thence along said line to and along the north line of the Mud Springs county road, so called, to a point opposite the northwest corner of the "Vejar Tract," so called; thence southwesterly along the west line of said "Vejar Tract," so called, to the north line of the "Alvarado Tract," so called; thence westerly along said line of said "Alvarado Tract" westward to a point which would be intersected by an extension of the west line of lots 227, 228 and 229 of the "Pomona Tract;" thence running southeasterly along such extension of said line to the southwest corner of lot 229 of the "Pomona Tract;" thence south $1\frac{1}{2}$ degrees east to a point of intersection with extended south line of blocks E, F, G and H; thence easterly to and along the south line of said blocks E, F, G and H, to the east line of San Jose township; thence northerly along said township line to the point of beginning.

Sec. 4. The city of Pomona is hereby divided into four wards, which shall be designated respectively, the first ward, the second ward, the third ward, and the fourth ward; and are described as follows:

First Ward—All that portion of the city lying west of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

Second Ward—All that portion of the city lying west of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Third Ward—All that portion of the city lying east of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Fourth Ward—All that portion of the city lying east of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

Sec. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by a four-fifths vote of the council; *provided*, said wards shall be kept as nearly equal in population as possible; *and provided, further*, that such change shall not be made more than once in two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS.

Sec. 6. The elective officers of the city shall be, a mayor, four councilmen, a city auditor, who shall be ex officio city clerk, a city attorney, a city assessor, who shall be ex officio tax collector and treasurer, a police judge, a president of the board of education and four members of the board of education, all of whom shall be elected at the general municipal election, on a general ticket, from the city at large, but one councilman and one member of the board of education shall be nominated from each of the four wards of the city by the electors of the ward and shall be a resident of the ward from which he is nominated.

The following officers shall be appointed by the council: a chief of police, a city engineer, a street superintendent, five trustees of the public library, a health officer, a chief of the fire department, a park superintendent, a building inspector and such other officers as the council shall, under this charter, have power to create, and the council shall combine the office of city engineer and street superintendent whenever it shall deem it advisable so to do.

Sec. 7. The council shall consist of the mayor and four councilmen, each of whom—including the mayor—shall have the right to vote on all questions coming before the council.

The board of education shall consist of the president of the board, who shall be nominated from the city at large, and four members, nominated from their respective wards, each of whom—including the president—shall have the right to vote on all questions coming before the board.

Sec. 8. To be eligible for the office of mayor, councilman, auditor, attorney, assessor, or police judge, a person must be a citizen of the United States, a qualified elector of the city of Pomona, and shall have resided in such city for at least three years next preceding the date of such election.

Sec. 9. To be eligible for the office of president or member of the board of education the person must be a citizen of the United States, of the age of twenty-one years, and shall have resided in the city of Pomona for at least three years next preceding the date of such election.

Sec. 10. The mayor, auditor, attorney, assessor, police judge and president of the board of education shall each hold office for a term of two years from and after the first Monday after their election, and until their successors are elected and

qualified; *provided*, that the term of office of all said officers elected at the first election under this charter shall be one year and eleven months.

SEC. 11. The four councilmen and four members of the board of education shall each hold office for a term of four years from and after the first Monday after their election and until their successors are elected and qualified; *provided*, that the councilmen and members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot that two councilmen and two members of the board of education shall hold office for one year and eleven months and two of them for three years and eleven months.

SEC. 12. In case any councilman or any member of the board of education shall change his residence from the ward from which he was nominated, his office shall immediately become vacant and shall be filled as directed in this charter; *provided*, however, that in case the boundaries of any ward are changed, no councilman or member of the board of education, whose residence is thereby included within a different ward from that from which he was nominated shall lose his office by reason of such change. *And provided also*, that neither the mayor nor president of the board of education shall forfeit his office by reason of any change of his residence within the city limits.

SEC. 13. If a vacancy shall occur in the office of mayor, councilman, auditor, attorney, assessor, or police judge, the council shall appoint a person to fill such vacancy; but such appointee, if a councilman, must be a resident of the ward from which the former councilman was nominated, and such appointee shall hold office, subject to the provisions of the recall, only until the next regular election.

SEC. 14. If a vacancy shall occur in the office of president or member of the board of education, the board of education shall appoint a person to fill such vacancy; but such appointee shall hold office, subject to the provisions of the recall, only until the next regular election, and unless such appointee be the president of the board the person appointed must be a resident of the ward from which the former member was nominated.

SEC. 15. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or by ordinance of the city. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one half of one per cent per annum; *and provided, further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC. 16. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the council, after first being approved as to form by the city attorney.

The approval of the official bonds must be endorsed thereon and signed by the officers approving the same. All bonds, when approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the mayor. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

The mayor shall execute an official bond to the city in the sum of \$5,000, and each councilman, in the sum of \$2,000; and the council shall fix the amount of bonds and the method of their approval to be required of other officers and employees.

SEC. 17. The council may at any time, by ordinance, change the penal sum of any official bond.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

SEC. 19. The mayor shall receive an annual salary of \$1,200, payable in equal monthly installments.

Each councilman shall receive an annual salary of \$300, payable in equal monthly installments.

Except where such power is herein given to other boards of the city, the council shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

SEC. 20. The salary of an elective officer may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected, and shall not take effect until the regular time for taking office after such election.

SEC. 21. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively, or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in every case, his office shall thereupon be declared vacant by the council. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 22. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use,

whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 23. No officer or employee of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

SEC. 24. All officers and members of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses, the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, personally serve such subpoena, or detail a police officer or police officers to serve the same.

ARTICLE IV.

THE MAYOR.

SEC. 25. The mayor shall see that all city ordinances are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

SEC. 26. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 27. The mayor shall annually and from time to time give the council information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

SEC. 28. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control. He shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, after making written recommendations to the council and receiving its approval, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 29. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 30. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments, as follows:

1. Department of public works, which department shall be assigned to the mayor.
2. Department of finance and revenue.
3. Department of fire and health.
4. Department of police.
5. Department of public supplies.

SEC. 31. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

SEC. 32. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of fire and health, one to be commissioner of police, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance whenever it determines that the public service will be benefited thereby.

SEC. 33. All appointive officers may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more such officers.

SEC. 34. The council shall have power to appoint such other officers and deputies as the needs of the city may require and prescribe the duties pertaining thereto.

SEC. 35. The council shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers and departments as the council may direct, and make duplicate reports thereof, and present one to the mayor, and file one with the city clerk. One of said yearly examinations shall be made just prior to the expiration of the official term of office. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 36. Each department, board and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

SEC. 37. The council shall provide for the publication, in pamphlet form or otherwise, of the annual reports of the mayor and of the several departments, boards and commissions.

SEC. 38. No member of the council, except the commissioner of public supplies, who may be the purchasing agent of the city, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 39. No councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in behalf of the city. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

SEC. 40. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services; and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL.

SEC. 41. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business at any meeting, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

SEC. 43. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

SEC. 44. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SEC. 45. All legislative sessions of the council, whether regular or special, shall be open to the public.

SEC. 46. The council shall judge of the qualifications of its members and of all election forms and determine contested elections of all city officers. The council shall establish rules for the conduct of its proceedings and punish any member or any other person for disorderly behavior at any meeting and shall cause the city clerk to keep a correct journal of all proceedings, and shall cause the ayes and noes to be taken and entered on the journal on the final action upon the appointment or removal of officers, the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 47. The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Pomona as follows:"

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

SEC. 48. No ordinance for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

No resolution or ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

SEC. 49. All resolutions and ordinances shall be signed by the mayor and attested by the city clerk and before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

SEC. 50. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

SEC. 51. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 52. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Pomona shall have the right and power

1. To purchase, lease or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes, and to operate, lease, control, dispose of and convey the same for the benefit of the city.

2. To erect and maintain buildings for municipal purposes.

3. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind.

4. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading-rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, and all other public buildings, places, works and institutions.

5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

6. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, and transportation service of any kind.

7. To sell gas, water, electric current and all products of any public utility operated by the city.

8. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance

and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

9. To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

10. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the purpose of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

11. To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

12. To raise money by a special tax, in addition to the annual tax levy provided in Section 119 of this charter. To authorize such special tax, the provisions of Article XXI, relating to the initiative, or of Article XXII, relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding six per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all for any permanent municipal improvement and the money so raised may be expended each year after the same is collected and available.

13. To sue and defend in all courts and places and in all matters and proceedings. SEC. 53. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 54. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

1. To pass ordinances not in conflict with the constitution of this state or of the United States, or the provisions of this charter.

2. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

3. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided for in this charter, and appoint necessary election officers.

4. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed one thousand dollars or one year's imprisonment, or both.

5. To cause persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

6. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

7. To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

8. To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

9. To regulate or prohibit the manufacture, keeping and use of gasoline, benzine, distillate, powder, dynamite, fireworks and other explosive materials and substances.

10. To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

11. To regulate the use of steam engines, gas engines, steam boilers, and electric motors and other machinery, and to prohibit their use in such localities as in the judgment of the council would endanger public health or safety, and to require the use of safety appliances.

12. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

13. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

14. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

15. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactures so as to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

16. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

17. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, pass gates, bells or viaducts at all such street crossings as the council may deem proper; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains in any of the streets or street crossings of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

18. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

19. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

20. To require or provide by ordinance for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity and to make the cost thereof a lien and charge upon such lots or lands, and to make provisions for the enforcement of such lien by the sale of such lots or lands, or otherwise.

21. To require by ordinance the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect to the property line of their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provisions for the enforcement of such lien by the sale of property or otherwise.

22. To regulate, license or prohibit the construction and use of billboards and signs.

23. To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

24. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

25. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

26. To provide for the care of the sick and the helpless and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

27. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

28. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, soda water and other drinks, candies and all other confectionery products offered for sale in the city, and to provide for the taking and sum-

marily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

29. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits, that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens whose products are sold in the city.

30. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

31. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

32. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

33. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

34. To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

35. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof.

36. To regulate the use, distribution, quality, pressure and sale of water, gas, electric lights and power and other light and power within the city; and to fix and determine the price thereof; and to provide for the inspection and connection of all matters used in the measurements of said commodities.

37. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

38. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

39. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

40. To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

41. To fix the fees and charges for all official services not otherwise provided for in this charter.

42. To provide for the lease of any lands or other property now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; provided, that the council may in its discretion reject any and all bids.

43. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

44. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

45. To provide for the execution of all trusts confided to the city.

46. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

47. To build and repair bridges; to establish lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish or change the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places; and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

48. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy

teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Articles XXI and XXII.

49. To construct, establish and maintain mains and sewers.

50. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation.

51. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property.

52. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, provided no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll is assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof.

53. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

54. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplies to the city or to the inhabitants thereof, and to prescribe the quality of the service.

55. To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

56. To require every railroad to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

57. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business enterprises and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

58. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city.

59. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, alleys and public places, and to require the filing of charts and maps of such pipes and conduits.

60. To establish and maintain a general employment bureau or agency.

61. To establish when deemed advisable a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

62. To establish when deemed advisable a civic art commission, a park commission, a playground commission and a commission of public charities and such other commissions as may be deemed advisable, and to appoint commissioners on said commissions, to serve without compensation, with such powers and duties as may be fixed by the council.

63. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

64. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

65. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such power is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

66. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

67. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

ARTICLE VIII.

CITY AUDITOR AND EX OFFICIO CITY CLERK.

SEC. 55. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city subject to the approval of the council.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall make out, sign and deliver to the proper officer all licenses other than building permits.

He shall report to the council at the regular meeting of each month, and oftener if required by the council, the condition of each fund in the city treasury and also the receipts and disbursements.

He shall make and present a report to the council at the meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment and keep a complete record of the same.

He shall, on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2) the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 15th of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY CLERK.

SEC. 56. The city auditor shall be ex officio city clerk and as such city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all the books properly indexed, and open to public inspection when not in actual use.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE IX.

CITY ATTORNEY.

SEC. 57. It shall be the duty of the city attorney to prosecute on behalf of the city all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may

be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as may be required of him by the council.

He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the council, before the same are submitted to the council for final approval, and no such bonds shall be approved by the council without such approval by the city attorney.

He shall approve by endorsement in writing the form of all ordinances, resolutions and the drafts of all contracts before the same are entered into on behalf of the city.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE X.

CITY ASSESSOR AND EX OFFICIO TAX COLLECTOR AND TREASURER.

SEC. 58. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than August 1st of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TAX COLLECTOR.

SEC. 59. The assessor shall be ex officio city tax collector, and as such tax collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance.

He shall keep proper books, showing all moneys collected by him as tax collector; he shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times subject to public inspection.

He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax collector, together with the proper certificate of the auditor.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TREASURER.

SEC. 60. The city assessor shall also be ex officio city treasurer, and as such city treasurer he shall receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in Section 55 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

SEC. 61. The mayor, city attorney, city auditor, the commissioner of finance and revenue, or any special committee appointed by the council, separately or collectively,

and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor, or commissioner of finance and revenue shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere.

ARTICLE XI.

POLICE JUDGE.

SEC. 62. The judicial power of the city shall be vested in a police court, consisting of one police judge. Said police court shall have jurisdiction concurrently with the justice's court: of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture, prescribed for the breach of any city ordinance, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violations of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by laws for justices' courts in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with a like effect as in cases of appeals from justices' courts.

SEC. 63. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services, except that for his services in criminal prosecution for violation of ordinances he shall be entitled to receive only such monthly salary as the council shall by ordinance prescribe.

SEC. 64. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city, to act in his place and stead; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which the city is situated.

ARTICLE XII.

POLICE, FIRE AND HEALTH DEPARTMENTS.

SEC. 65. The police department of the city of Pomona shall consist of a chief of police and such officers and policemen as shall, from time to time, be fixed and determined by the council.

SEC. 66. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city of Pomona, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly deposits with the treasurer together with the auditor's certificate of all funds of the city collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office; and subject to the commissioner of police and such rules and regulations as the council may prescribe, shall have control of the police force. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 67. The council, subject to the provisions of this charter shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

FIRE DEPARTMENT.

SEC. 68. The fire department of the city of Pomona shall consist of a chief and such number of officers and men of the department as the council shall, from time to time, fix and determine.

SEC. 69. The chief of the fire department shall, subject to the commissioner of fire and health and such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the commissioner of fire and health, any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 70. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

HEALTH DEPARTMENT.

SEC. 71. The council shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the commissioner of fire and health, have such powers and perform such duties as are granted or imposed by the general laws of the State or by ordinance, including the powers of a police officer in matters pertaining to his office.

SEC. 72. The city engineer, superintendent of streets, park superintendent and building inspector, subject to the mayor as commissioner of public works, shall perform such duties as the council may prescribe by ordinance.

ARTICLE XIII.

BOARD OF EDUCATION.

SEC. 73. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

SEC. 74. The board of education shall appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

SEC. 75. The board of education shall meet at such times and at such places as may be designated by resolution of said board. The board shall provide the manner in which special meetings shall be called.

SEC. 76. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

SEC. 77. The board of education may determine the rules of its proceedings, but all meetings of the board shall be public.

SEC. 78. The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 79. The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals and teachers shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools.

SEC. 80. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 81. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 82. The board of education shall, at the end of each quarter, file with the auditor an itemized report and the council may in its discretion provide for the publication of such reports, together with other reports of the city officials and boards.

SEC. 83. The board of education shall annually file with the council a duplicate copy of its report to the county superintendent of schools which shall give a careful

estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required for the adequate support of all departments of the public school system for the ensuing year in addition to the state and county funds.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 84. The public library and reading room, known as the Pomona public library, is hereby continued in existence and shall be under the management of a board of five trustees, who shall be appointed by the council. The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office at the expiration of two years and two at the expiration of four years, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

SEC. 85. The position of trustee shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least one year prior to their appointment.

SEC. 86. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants and employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 87. The board shall have power:

First. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second. To administer any trust declared or created for such library and reading-room.

Third. To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth. To purchase necessary books, journals, publications and other personal property, and dispose of the same when deemed advisable.

Fifth. To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading-room.

Sixth. To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh. To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to public library.

Eighth. To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-room.

SEC. 88. Said board, on or before the third Monday of July of each year, shall make a report to the council giving the condition of the library, with full statement of all property and money received, when derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing; the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tipping-house, dram-shop, cellar, saloon bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than ninety bona fide bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided, further*, that this section shall not apply to the sale of such liquors by regular licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 90. Any person violating Section 89 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE XVI.

ELECTIONS.

SEC. 91. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. Primary nominating elections.
2. General municipal elections.
3. Special elections.

SEC. 92. General municipal elections shall be held in said city on the first Monday of May, 1911, on the first Monday of April, 1913 and on the first Monday of April every two years thereafter, at which shall be elected the elective officers provided for by this charter, who shall take office on the Monday next succeeding the day of such election.

SEC. 93. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 94. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections, *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

SEC. 95. All candidates for city offices shall be nominated in the manner provided in Section 1188 of the Political Code of the State of California and succeeding sections relating to independent nominations, as now in force, except as hereinafter otherwise prescribed; *provided, however*, that nominating certificates for councilmen and members of the board of education shall be signed by at least twenty five qualified electors of the ward from and by which the nomination is made and that all other nominating certificates shall be signed by at least fifty qualified electors of the city, *and provided, further*, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than forty days before the day of the general municipal election; but nominating certificates for candidates to be voted on at the first general municipal election held under this charter may be filed at any time prior to fifteen days before the day of election, and the provisions of this charter relating to primary elections shall not be applicable to the said first general municipal election.

When candidates for any office are nominated as specified in accordance with the provisions of Section 1188 of the Political Code of the State of California, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 96. If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the last preceding general municipal election shall be filed with the city clerk not less than thirty days nor more than forty days prior to the date of any general municipal election, requesting the council to call a primary nominating election, the council shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election, and no name shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

SEC. 97. Such primary election shall be held on the second Monday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at the same hours. The names of all candidates nominated in accordance with the provisions of Section 95, but no others shall be printed upon the ballots to be used at such primary election.

SEC. 98. At least seven days prior to the date of said primary election the city clerk shall cause to be published for three consecutive days, in at least two daily newspapers published in the city, or posted if so directed by the council for three days in three public places in the city, the names of all the persons so nominated and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

SEC. 99. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

"PRIMARY NOMINATING ELECTION.

"CITY OF POMONA (inserting date thereof).

"To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

Sec. 100. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec. 101. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

Sec. 102. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

Sec. 103. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

Sec. 104. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 105. The conduct and carrying on of all city elections shall be under the control of the city council, and the council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

Sec. 106. At each city election each of the election officers shall receive such compensation for his services as the council shall fix, but not to exceed the sum of five dollars.

Sec. 107. The board of trustees of the city of Pomona, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of such bonds and the provisions relating thereto to be as herein provided.

Sec. 108. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Pomona then in office must provide for the holding of said election as soon as possible thereafter.

Sec. 109. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

Sec. 110. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

Sec. 111. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Pomona, addressed to the person elected or appointed, and such person, must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XVII.

FINANCE AND TAXATION.

Sec. 112. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Sec. 113. The council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

SEC. 114. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Pomona is situated and taxes collected by the tax collector of said county for and on behalf of the city of Pomona. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 115. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the auditor a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the council may deem advisable.

SEC. 117. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance or resolution levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

SEC. 119. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city.

SEC. 120. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of public parks, playgrounds and free public libraries and reading rooms.

SEC. 121. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed: every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

SEC. 122. Money shall be drawn from the city treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof.

SEC. 123. Warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

SEC. 124. The council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an Act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XVIII.

CONTRACTS.

SEC. 125. The city of Pomona shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall have first caused notice to be published for not less than five days in a daily news-paper or posted for five days in three public places in the city, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council; that any such contract shall be made in writing, the draft thereof approved by the council and the same ordered to be, and be signed on behalf of the city by the mayor or some other person authorized thereto by resolution; and that the approval as to form of such contract by the city attorney shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding two hundred and fifty dollars, without a contract in writing and without any previous publication or posting of notice inviting proposals.

SEC. 126. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the council may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers, department or board.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

SEC. 127. The commissioner of public supplies shall be the city purchasing agent, until otherwise provided by the council, with such powers and duties as shall be prescribed by the council. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council shall be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids.

ARTICLE XIX.

STREETS AND SEWERS.

SEC. 128. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the council in such matters.

ARTICLE XX.

FRANCHISES.

SEC. 129. The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

SEC. 130. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all

such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 131. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

SEC. 132. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the railway track, and between the lines of double track and for a space of two feet of said tracks.

SEC. 133. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, the city, at its election, and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the property of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 134. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

ARTICLE XXI.

INITIATIVE.

SEC. 135. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter contained; *provided*, notice of the intention to circulate such a petition, together with a copy of the proposed ordinance and a statement in not more than two hundred words, giving the proponents' reasons for the adoption of such ordinance, shall be filed with the city clerk at least five days before such petition is circulated. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that notice of the intention to circulate said petition was filed with the city clerk at least five days prior to the time any signature was appended to said petition. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

SEC. 136. If the petition accompanying the proposed ordinance is signed by qualified electors of the city, equal in number to fifteen per cent of the total number of registered electors at the last preceding general municipal election and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Article XXII of this charter); or

(b) Within twenty-five days after the clerk shall have attached to the petition his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

SEC. 137. If the petition be signed by qualified electors of the city, equal in number to at least five per cent of the total number of registered electors at the last preceding general municipal election, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance without alteration shall be submitted by the council to the vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

SEC. 138. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed, and it shall be the duty of the clerk to enclose a printed copy thereof, together with a statement in not more than two hundred words, giving the proponents' (or opponents' in case of a referendum election) reasons for the adoption (or rejection) of such ordinance, and the statement, —if any, in not more than two hundred words made by the council, giving the reasons why such proposed ordinance should not be (or should be) adopted, in an envelope with a sample ballot, and mail the same to each voter at least three days prior to the election, or the council may order such ordinance or proposition, together with the reasons for and against the adoption of the same, to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots.

SEC. 139. The ballots used for voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "For the ordinance" and "Against the ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall take effect five days after the declaration of the official canvass, which canvass shall be made within seven days after the day of election.

SEC. 140. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election in accordance with the provisions of this article.

SEC. 141. There shall not be held under this article of the charter more than one special election in any period of one year, unless the petitioners shall first file with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election, and after said expenses are paid and deducted, the balance, if any, shall be returned to the petitioners.

SEC. 142. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXII.

REFERENDUM.

SEC. 143. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered voters at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance; and if the same be not entirely repealed, the council shall submit the ordinance as is provided in Article XXI of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of Section 135, except as to the percentage of signers and shall be examined and certified by the clerk in all respects as is therein provided, and notice of the intention to circulate such petition, together with a statement, in not more than two hundred words, giving the opponents' reasons for the rejection of such ordinance, shall be filed with the clerk at least five days before such petition is circulated.

SEC. 144. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to

the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 145. There shall not be held under this article of the charter more than one special election in any period of one year unless there shall be first filed with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election; and after said expenses are paid and deducted, the balance, if any, shall be returned to the person or persons who filed said check.

SEC. 146. Sections 138, 139 and 142 of this charter applying to the initiative shall govern elections held under the authority of this article so far as applicable.

SEC. 147. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIII.

RECALL.

SEC. 148. Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows: A petition, signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered electors at the last preceding general municipal election, demanding an election of a successor to the person sought to be removed shall be filed with the city clerk; *provided*, that at least five days before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by, or on behalf of the person or persons proposing such recall, shall be filed with the city clerk who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain a statement of the intention to circulate a petition for the recall of said officer, a statement of not more than two hundred words, giving the grounds for such recall and the address of the party making the affidavit. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, and one of the signers of each such paper shall make oath, before an officer authorized to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that said affidavit was filed with the city clerk as hereinbefore prescribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall order and fix a day for the holding of said election, not less than thirty nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

SEC. 149. The city council shall make, or cause to be made, all arrangements for the holding of such election and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. Other candidates may be nominated as provided in Section 95; *provided, however*, that nomination certificates may be filed at any time prior to fifteen days before the day of election.

SEC. 150. Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office.

SEC. 151. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall there-

upon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 152. No person petition shall be filed against any election officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer nor at any subsequent time during his term of office, unless the petitioners for such second or subsequent recall election shall first deposit with the auditor a certified check for an amount equal to the total cost of the next recall election for the purpose of defraying the expenses of the recall election petitioned for, if at the election, said officer is reelected, said check shall be returned to the petitioners, but if said officer is not recalled, said check shall be cashed and turned over to the general fund of the city.

SEC. 153. The council may, by ordinance, make such further provisions as may be necessary to carry out the provisions of this section.

ARTICLE XXIV.

MISCELLANEOUS.

SEC. 154. For the purpose of facilitating candidates and outgoing officers in accordance with this chapter, this charter shall take effect from the time of the approval of the same by the Legislature, for all other purposes it shall take effect on the second Monday of May, 1911.

SEC. 155. The members of the board of trustees, city clerk, city attorney, city assessor, city treasurer, city recorder and members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the expiration and qualification of the mayor, auditor, treasurer, assessor, police judge and president and members of the board of education, respectively, first elected under this charter; the term of each and of all the other officers in office at the time this charter shall take effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 156. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 157. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of his charter or of any ordinance may be imprisoned in the city jail, or, if the council or authorities shall so prescribe, in the county jail of the county in which the city of Pomona is situated, in which case the expense of such imprisonment shall be a charge in favor of such authority against the city of Pomona.

CERTIFICATE.

WHEREAS, The city of Pomona, a city containing a population of more than three thousand five hundred inhabitants, on the third day of November, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city:

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Pomona, and that in submitting and proposing such charter the board of freeholders pursuant to said provision of the constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated, which shall, if approved by a majority of the voters voting thereon, take the place of Section 89 of Article XV of the proposed charter.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be printed: "Shall the alternative proposition, providing that there shall be no sale of alcoholic liquors in the city of Pomona, except by druggists under proper restrictions, take the place of Section 89 of Article XV?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona any

tippling-house, dramshop, cellar, saloon, bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away, provided, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician, regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the council.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this thirty-first day of December, one thousand nine hundred and ten.

(Signed) FRED J. SMITH, President
(Signed) A. B. AVIS
(Signed) FRANK W. BALFOUR
(Signed) J. F. EVANS
(Signed) W. T. FLEMING
(Signed) R. B. HOFFMAN
(Signed) CLARENCE H. LEE
(Signed) J. F. LOBINGER
(Signed) LEE R. MATTHEWS
(Signed) J. E. MCCOMAS
(Signed) N. W. MILLER
(Signed) H. J. NICHOLS
(Signed) F. H. OSLER
(Signed) G. A. PHILLIPS
(Signed) RUSSELL K. PITZER, Secretary

Filed January 3d, 1911, at 10 A. M. with Frank P. Firey, president of the board of trustees of the city of Pomona.

STATE OF CALIFORNIA.

COUNTY OF LOS ANGELES, }
CITY OF POMONA. } SS.

I, Frank P. Firey, president of the board of trustees of the city of Pomona, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3d day of November, 1910, at a special municipal election held in said city of Pomona on said day duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election as required by Section 8 of Article XI of the constitution of the State of California; that said proposed charter was then published in *The Pomona Progress* and in the *Pomona Daily Review*, which then were daily newspapers of general circulation in the said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8 of Article XI of the Constitution of the State of California, to wit: on the 16th day of February, 1911, said charter was submitted at a special election duly called and held in the city of Pomona, for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for Section 89 of Article 15 of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said city of Pomona on the 18th day of February, 1911, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Pomona to be affixed this 18th day of February, 1911.

[SEAL]

FRANK P. FIREY.

President of the Board of Trustees of the City of Pomona.

Attest:

T. R. TROTTER.

City Clerk of the City of Pomona.

And, whereas, said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California: now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Pomona,

including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said city of Pomona.

Speaker of the Assembly.

President of the Senate.

Indorsed and filed in the office of Secretary of State, the ----- day
of -----, A. D. -----, at ----- A. M.

Secretary of State.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Assembly Concurrent Resolution No. 20 ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 10.

Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

WHEREAS, The Northern California Indian Association has recently acquired a certain tract of land near the town of Guinda, in the county of Yolo, California, for the purpose of founding a permanent trades and training school, for the education of the remainder of the Indian races of California in the useful trades and pursuits, which training will enable the Indian to place himself upon an equal footing with other residents of the State in agriculture and the trades, enabling him to become independent and self-supporting; and

WHEREAS, There has been introduced in the Senate of the Congress of the United States an appropriation bill carrying, among other items, twenty thousand dollars for the construction of buildings for educational purposes upon the tract of land acquired by the Northern California Indian Association for such purpose, which said fund is to be available upon the raising of an endowment for the maintenance of the schools to be built on the lands of the association for educational purposes; therefore, be it

Resolved, That our Senators in Congress be directed and our Representatives in Congress requested to use all honorable means to have the appropriation made by the National Congress for the purposes mentioned in this resolution; be it further

Resolved, That the Chief Clerk of the Assembly, upon the passage of this resolution, forward a copy thereof to each of our Senators and Representatives in Congress, to be by them presented to the Senate and House of Representatives of the Congress of the United States.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—27.

NOES—None.

Assembly Joint Resolution No. 10 ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 6.

Relating to the establishment and operation of postal savings banks in California by the United States Government.

WHEREAS, The Congress of the United States has enacted into the statutes of the nation a law authorizing and establishing the system of postal savings banks conducted by the National Government through its postmasters;

WHEREAS, Many of the isolated communities of California are now without convenient and safe places of deposit for the savings of the people residing therein;

WHEREAS, The general establishment of postal savings banks throughout the rural and isolated communities of California and the towns of the State would

encourage thrift, provide a safe place of deposit for savings, and encourage the investment of the depositors' money in the bonds of the National Government; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly. That we respectfully urge the Congress of the United States to make all necessary appropriations and place all necessary means at the command of the President of the United States to carry into effect the provisions of the postal savings bank law in our State and provide for the establishment of such banks where needed, be it further

Resolved. That our Senators in Congress be instructed and our Representatives requested to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved. That the Governor of California be, and he is hereby directed to transmit a certified copy of these resolutions to the President and Speakers respectively of the Senate and House of Representatives and to each of our Senators and Representatives in Congress.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hord, Juhlband, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Thompson, Welch, and Wolfe—26

NOES—None.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1911

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending section one of said Act.

Also: Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 875 ordered on file for third reading.

Committee Substitute for Senate Constitutional Amendment No. 5 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted, unanimous consent to take up Senate Bill No. 939 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68½.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Tyrrell moved to refer to Senator Black, as a special committee of one, to amend as follows:

By striking out of Section 3, line 24, the word "five", and inserting in lieu thereof the word "eight".

Also Strike out the semicolon after the word "bank", in line 25, Section 3, page 6, and place in lieu thereof a period.

Also: Strike out the clause commencing with the word "provided", in line 25, Section 3, page 6.

Also: On page 4, line 102, Section 61, Subdivision *d*, after the word "township", insert a comma in lieu of the word "or", and in the same line insert a comma after the word "district" and the following words, "sewer district or sanitary district", and in the same line, after the word "state", strike out the period and insert in lieu thereof a semicolon and the following clause: "provided, that the total amount of bonds of any sewer or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 939, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted, unanimous consent to take up Senate Bill No. 940 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, and 124 thereof, and by adding new Sections 12*a*, 52, 53, and 84 thereto.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Tyrrell moved to refer to Senator Juilliard, as a special committee of one, to amend as follows:

By striking out of Section 12, line 24, page 9, the word "matter", and insert in lieu thereof the word "manner".

Also: On page 13, Section 17, line 16, the words "and surplus the" should be stricken out and a comma placed after the word "capital" in line 16.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 940, with instructions to amend, respectfully reports the same back, amended as per instructions.

JUILLIARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 4, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof relating to what securities banks may invest in or loan their funds upon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

TYRRELL, Chairman.

Senate Bill No. 996 ordered on file for second reading

ON PRISONS AND REFORMATORIES

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories to whom was referred Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINN, Chairman.

Assembly Bill No. 1143 ordered on file for second reading

SECOND READING OF SENATE BILLS—(OUT OF ORDER)

On motion of Senator Campbell, the second reading of Senate bills was taken up for consideration, out of order.

Senate Bill No. 1177 (Committee Substitute for —An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 1177.

An Act to amend sections eleven and twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their

validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909, is hereby amended to read as follows:

Section 11. On the first Monday of July each year, at the hour of 7.30 p. m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been examined, rectified and equalized, with such reasonable interruptions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudge and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; *provided*, that the total amount of bonds so voted for or issued at any one time shall not exceed fifteen per cent of the taxable property of the district as shown by the last equalized assessment book of the county, nor shall the bonded indebtedness of the district for the construction of sewers and other sanitary purposes ever at any one period exceed the amount of fifteen per cent of said taxable property of the district whether it be made up of one issue of bonds or of several issues.

SEC. 2. Section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the constructing of sewers, and other sanitary purposes; the acquisition of the property thereby; the calling and conducting of election in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909, is hereby amended to read as follows:

Section 22. The boundaries of any sanitary districts may be altered, and enclosing contiguous territory in the same county as such sanitary district annexed thereto in the manner following:

A petition signed by the owner or owners representing more than one half of the assessed valuation of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than one hundred (\$100) dollars, to be approved by said sanitary board and filed with the county treasurer as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that, at said election, less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district.

When such petition is presented and a bond approved and filed as above provided for, the sanitary board must within thirty days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district; this order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petitioner, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and a freeholder within the limits of the proposed district to be annexed.

A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

At any reasonable time prior to the day fixed for the election, the board shall select one or more polling places both within said sanitary district and the territory proposed by the petition to be annexed, and submit to the electors of such sanitary district and to the electors of the territory proposed by the petition to be annexed to such sanitary district, taken separately, the question whether such territory outside of the sanitary district already formed shall be annexed thereto and become a part thereof. The board shall appoint officers of election, both within the sanitary district and the territory proposed by the petition to be annexed, which election shall be at the usual places of voting if there be such, and make all necessary and proper arrangements for holding the election, both in the sanitary district and the territory proposed by the petition to be annexed. The ticket shall contain the words, "For Annexation to the Sanitary District" and "Against Annexation to the Sanitary District." The election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and in the territory proposed by the petition to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board which shall, as soon as practicable proceed to canvass the same separately, and shall enter the result upon the minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this Act or by law, and of the facts stated in such entry. If at said election less than a majority of all the votes cast in the sanitary district and a majority of all the votes cast in the territory proposed by the petition to be annexed, be in favor of the annexation of the proposed territory to the sanitary district the signers of said petition shall, within ten days after canvassing of the votes of said election, pay to the sanitary board a sum of money covering reasonable costs of said election, *provided*, the same shall be not greater than the bond before given, and if said sum of money is not so paid within ten days as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable costs of said election, and the sanitary board shall, by order disapprove said petition and enter the same in the minutes of said board and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of said petition except to collect the costs of said election as herein provided, and if, at such election, a majority of all the votes cast in the sanitary district and a majority of all the votes so cast in the territory sought to be annexed, taken separately, be in favor of the annexation of the proposed territory to the sanitary district, the sanitary board shall pay the expenses of said election from the proper funds of the sanitary district and shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted to and filed with the board of supervisors of the county in which such sanitary district is situated. Said board of supervisors, at its next regular meeting after the filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district.

The property within such territory so annexed shall be taxed together with the remainder of said district, to pay its proportion of the unpaid bonded or other indebtedness of such sanitary district existing at the time of such annexation incurred for the cost of construction, estimated as hereafter provided, of main sewers already constructed in said district, and also to pay the running expenses of said district. The engineer of such district shall, when required by the sanitary board thereof, estimate the unpaid cost of construction of all main sewers, already constructed in said district at the time of such annexation, and such estimate when approved by the sanitary board shall be final and conclusive and shall be the basis upon which said sanitary board shall tax said annexed territory.

At any time after the annexation of such contiguous territory the sanitary board may, by an order entered in the minutes, call an election within such annexed territory for the purpose of determining whether bonds shall be issued for the construction of sewers therein. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purposes for which it is to be raised. A copy of which order shall be posted for four successive weeks prior to the election in at least three public places within such annexed territory in said district, and shall be published for four successive weeks

prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

At any time prior to the day fixed for the election the board shall select one polling place within said annexed territory, appoint officers of election therein, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words, "For the Issuance of Bonds as Proposed by the Sanitary Board," or "Against the Issuance of Bonds as Proposed by the Sanitary Board."

The election shall be conducted in accordance with the general election laws of the State so far as the same shall be practicable, except as herein otherwise provided.

Every qualified elector, resident within such annexed territory for the length of time necessary to enable him to vote at a general election, shall be entitled to vote at the election above provided for.

After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result on its minutes. Such entry shall be conclusive evidence of the fact and regularity of all the prior proceedings of every kind and nature provided by this Act or by law, and of the facts stated in such entry, and if at such election two thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

All bonds so issued shall be of such denomination as the sanitary board may determine except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Such bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated and shall bear interest at a rate not exceeding five per centum per annum, which interest shall be payable semiannually in like gold coin. Not less than one twentieth part of the total issue of bonds shall be payable each year on a day to be specified by the sanitary board, but no bond shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therefor by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board.

The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by such board in its discretion, but no bond must be disposed of for less than its face value.

The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called "The sewer construction fund of annexed territory of _____ sanitary district" (naming it). The money in such fund shall be used for the purposes indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; *provided*, that if after such purposes are entirely fulfilled any balance remains in such fund, such balance may by the order of the sanitary board be transferred to the "bond, interest and redemption fund" for the redemption of bonds and the payment of interest thereon, issued under the provisions of this section.

If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for a period of one year.

It is hereby made the duty of the sanitary board to levy each year upon the property within the said annexed territory a sufficient tax to pay off the interest accruing upon said bonds for the respective year as each falls due, and also to pay at least one twentieth of the principal of said bonds so that the entire amount of the principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary district taxes, to collect the tax so to be levied, and the duty of the sanitary board to order the same paid in manner and form as provided by this Act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to and levied for the next year, and be collected and paid accordingly.

The payment of the whole amount of the principal and interest of all said bonds, within twenty years from their issuance, is hereby made the imperative duty of the annexed territory; and, if necessary, for that purpose, a special tax shall be levied by the sanitary board on the property situate in said annexed territory; and it is hereby made the duty of every officer and board to do his respective part towards the levy, collection and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court upon the application of any party interested for the purpose of compelling the performance of the duty imposed by this Act upon any and all boards and officers.

If the result of any election upon the question of the issuance of bonds for such annexed territory be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence in the superior court of the county a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceedings in relation to irrigation bonds provided for by an Act entitled "An Act supplemental to 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act," and all the provisions of said Act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable, and said proceedings shall be in accordance with the provisions of said Act so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said Act.

SEC. 3. All Acts, and parts of Acts, in conflict with this Act, or any portion thereof, are hereby repealed.

SEC. 4. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

On motion of Senator Hurd, Senate Bill No. 691 was temporarily passed on file, to retain its place.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out all of lines 4, 5, 6, 7, 8, 9, and the first word "repealed" in line 10, and insert in lieu thereof the following: "the repeal of said Act shall revive each and every portion and provision of the Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities' approved March 18, 1885, and the several Acts amendatory thereof and supplementary thereto, relating to sidewalks, and the construction thereof, and to the assessments to be made, and the enforcement of payments for the expense of the construction of such sidewalks, and all other provisions thereof repealed expressly or by implication by the Act hereby repealed, together with the provisions of all Acts and parts of Acts repealed expressly or by implication by the Act hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 195—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

During second reading of the bill, the following amendments were submitted by committee:

In the first line of the title, strike out the words "section two", and insert in lieu thereof the following: "sections two and four".

Amendment adopted.

Also:

On page 2, after line 30, insert the following:

SEC. 2. Section four of said Act is hereby amended to read as follows:

Section 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$

No. _____

Under and by virtue of an Act of the Legislature of the State of California (title of said Act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ (\$ _____), with interest at the rate of _____ per cent per annum, all as in hereinafter specified, and at the office of the _____, treasurer of the _____ of _____ State of California. This bond is issued to represent the cost of certain street work upon _____ in the _____ of _____, as the same is more fully described in assessment number _____, issued by the street superintendent of said _____, after acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, county of _____, State of California.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be helden for payment otherwise for its principal or interest. The term of this bond is _____ years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum. The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest, except the last, which is for interest from the semiannual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said _____ of _____, this _____ day of _____, in the year one thousand _____ hundred and _____

City Treasurer of the _____ of _____

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is provided in said street work Act.

Provided, also, that if any person, or his authorized agent, shall, at any time, before the issuance of the bond for said assessment upon his lot or parcel of land, present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer, in writing, that he desires a bond to be issued for the assessments upon said lot or parcel of land, then the said bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the street superintendent.

The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to issue same.

They shall have annual coupons attached thereto payable in annual installments the second day of January in each year after the date of the bond, until the maturity, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last coupon shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of assessment to the credit of which the same is paid and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon shall be fully paid. Said coupons, from their issuance, shall be conclusive evidence of the regularity of all proceedings thereunder said street work Act, and under this Act, previous to the making of the certified list of all assessments imposed to the amount of twenty-five dollars or more by the street superintendent, to the city treasurer, and of the validity of assessing up to the date of said list.

Amendment adopted.

Also:

On page 2, Section 1, line 29, strike out the word "or", and insert in lieu thereof the word "of".

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1141 (Committee Substitute for)—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement, and also for the payment of such bonds.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1141.

An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, and public ways in the municipalities of this State now open, or dedicated, or which hereafter may be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, and public ways, for the purposes of this Act, and the legislative body of each municipality is hereby invested with jurisdiction to order to be done thereon any work mentioned in this Act, under the proceedings hereinafter described. Said street or streets shall be sufficiently designated for the purposes of this Act when referred to by the name or names by which they are commonly known.

SEC. 2. Whenever the public interest or convenience may require, the legislative body is hereby authorized and empowered to order the whole or any por-

tion, either in length or width of one or more of the streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, or public ways thereof of any such city, graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, sewerred or resewered, and to order the construction or reconstruction of sidewalks, manholes, culverts, bridges, cesspools, storm-water drains, gutters, tunnels, curbs and crosswalks, in or along the same, or to order storm-water ditches, conduits, or channels, breakwater levees, or walls of rock, or other material, to protect the same from overflow or injury, and also to order a sewer or sewers, for drainage or sanitary purposes, to be constructed in, over, or through, any right of way, granted or obtained for such purpose, and also to order storm-water drains with outlets for drainage or sanitary purposes in, over, or through any right of way, granted or obtained for such purpose; and the construction or reconstruction of any work of the character in this section enumerated, which may in its opinion be necessary to complete or to repair the improvements of any part of any work constructed under this Act or under the provisions of "An Act to provide for work upon streets, lanes, alleys, places, courts, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and the several Acts amendatory thereof, and supplementary thereto.

SEC. 3. Before ordering any improvement made which is authorized by this Act, the legislative body of the city shall pass a resolution of intention so to do, by which resolution the improvement shall be briefly described, and for such description it may refer to plans and specifications on file with the city clerk or city engineer. By such resolution of intention, and the proceedings subsequent thereto, one or more of the improvements authorized by this Act may be made on one or more streets or any portion or portions thereof and shall constitute one improvement and be constructed under one contract. Whenever the proposed improvement in the opinion of said legislative body is of more than local or ordinary public benefit, it may make the expense of such improvement chargeable upon a district, which in its opinion is the district benefited by said improvement, and it shall describe the extent of said district in general terms in its resolution of intention, either by reference to street lines or block numbers, or by designating its exterior boundaries by their courses and distances from the street or streets the improvement of which is contemplated, and refer for a more particular description thereof to a map on file with the city engineer of said city, showing the exterior boundary lines of said district, and delineating block and lot numbers or containing such details as will show the location of such lines.

SEC. 4. Said resolution of intention shall be published twice in a daily, semi-weekly, or weekly newspaper, published and circulated in the said city, the second publication being in an issue of the paper published on a day subsequent to the date of the first publication. The superintendent of streets shall cause to be conspicuously posted along the line of said proposed improvement, at not more than three hundred feet in distance apart, notices of the passage of said resolution, and when in said resolution of intention the work has been made chargeable upon a district, then such notices shall also be posted along all open streets and portions of such streets contained within said district at not more than three hundred feet in distance apart but not in alleys or streets not opened or not used for general public travel. Said notice shall be headed "Notice of Proposed Improvement," in letters at least one inch in height, and shall state the fact of the passage of the resolution of intention, and briefly the improvement proposed. Such posting shall be deemed to have fulfilled the requirements hereof when there has been a substantial compliance with the foregoing provisions respecting the manner of posting, and no irregularities connected therewith shall affect the validity of the proceedings, unless the same shall have been willful or substantial. The city clerk shall also mail a printed copy of the resolution of intention to each owner of the lots fronting on said proposed improvement or contained within the assessment district, when the expenses are to be assessed upon a district, whose name and address he may obtain. For this purpose the city assessor shall upon the passage of the resolution of intention furnish the said city clerk a list of such property owners and their addresses so far as the same are shown by the records of his office, and it shall be a sufficient compliance herewith for the city clerk to deposit a copy of such resolution of intention in the post office of said city, postage prepaid, addressed to each property owner contained in the list so furnished by the city assessor. Such mailing shall not be prerequisite to acquiring jurisdiction to order the improvement, but it shall be the duty of such city clerk to mail the said copies with reasonable diligence after the passage of the resolution of intention and he shall file an affidavit showing the time and manner of his compliance with this requirement. The superintendent of streets shall, upon completing the posting, publish a notice once in a daily, semi-weekly or weekly newspaper published and circulated in said city and designated by the legislative body for that purpose, stating the fact of the completion of the posting of the notices of proposed improvement, and the date of completing such posting.

SEC. 5. The owners of a majority of the frontage of the property fronting on said proposed improvement, or when the cost of said improvement has been made chargeable upon a district, then the owners of a majority of the frontage of property fronting upon the proposed improvement, together with the owners of a majority

of the frontage of property fronting upon the streets or parts of streets contained within the limits of said assessment district, may make a written protest against said improvement within fifteen days after the date of the second publication of the resolution of intention, or within fifteen days after the publication of the notice of the completion of the posting of notices of the proposed improvement by the superintendent of streets. Such protests shall be filed with the city clerk, who shall indorse thereon the date of their reception by him, and such objections so delivered and indorsed shall, except when the work or improvement proposed to be done is the construction of any sewer or storm-water drain, be a bar for six months to any further proceedings in relation to the making of said improvement unless the owners of one half or more of the frontage as aforesaid shall, meantime, petition for the said work to be done. Objections to the extent of the district to be assessed to pay the expenses of said improvement may be made by any owner or owners of property contained in said assessment district within the same period above provided for the filing of protests against the work. Such objections shall show the amount of frontage owned by each signer together with the post office address of each objector. Whenever an objection to the extent of the proposed assessment district or to the construction of any sewer or storm-water drain shall have been filed, the legislative body of said city shall fix a time for hearing the same, and the city clerk shall notify the persons making such objections by depositing a notice thereof in the post office of said city, postage prepaid, addressed to the addresses given by each objector, at least three days prior to the time fixed for said hearing. At the time fixed for said hearing, or at the time or times at which said hearing may be adjourned, the said legislative body shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. It may in its discretion modify the extent of the proposed assessment district, in which event a new resolution of intention shall be passed containing a description of the modified district, and said new resolution shall be published and notices thereof posted in the manner heretofore provided with respect to the original resolution of intention.

When no protests against said work or no objections to the extent of the proposed assessment district have been filed within the time above specified, or when a protest shall have been filed and is found by said legislative body to be insufficient, or when the objections to the extent of the proposed district shall have been heard, and shall have been denied, immediately thereupon the said legislative body shall be deemed to have acquired jurisdiction to order the proposed improvement. Upon acquiring jurisdiction, the said legislative body may by resolution order the improvement described in the resolution of intention to be done. Such resolution need not describe the improvement nor the extent of the assessment district when the expense of said work is to be chargeable upon a district, but may refer to the resolution of intention for such description. The superintendent of streets shall then publish a notice reciting the fact of the passage of the resolution ordering the work, and inviting sealed proposals or bids for making the improvement thereon ordered, twice in one or more daily, semi-weekly, or weekly newspapers, published and circulated in said city. He shall also cause a copy of such notice to be posted conspicuously for five days on or near the council chamber door of said legislative body. He shall state in said notices the time within which the said proposals may be filed with the city clerk, which shall not be less than ten days from the date of the first publication of the notice inviting bids, and likewise the period after the date of the signing of the contract therefor within which the contemplated improvement shall be completed.

SEC. 6. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council shall, in the resolution of intention, declare whether or not said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land, so owned and used, shall be payable by the said city out of the general fund, unless the legislative body shall in its resolution of intention designate another fund, and the contract for said work or improvement thereafter made by the superintendent of streets shall contain a provision to that effect.

SEC. 7. The legislative body may, in its discretion, order, by resolution that the whole or any part of the cost and expenses of any of the work mentioned in this

Act be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in the resolution of intention. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, fronts of lots, and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner in this Act provided.

SEC. 8. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per centum of the aggregate proposed. The legislative body of said city shall, in open session, open, examine, and publicly decide on the said proposals or bids. It may reject any and all proposals or bids if it deems this for the public good, and also the bid of any person who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award may be made by action noted in the minutes of said legislative body but shall not be effective unless a majority of the members of said legislative body shall have voted in favor thereof.

Notice of such award of contract shall be published twice in a daily newspaper, published and circulated in said city, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published and circulated. At any time within fifteen days from the date of the first publication of the notice of award of contract any owner of or other person having any interest in any lot or land liable to assessment who claims that any of the previous acts or proceedings relating to said improvement are irregular, defective, illegal, erroneous, or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, illegal, erroneous, or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding prior to the time aforesaid of the notice of award relating to said improvement not made in writing in the manner and at the time aforesaid shall be waived, excepting as to the matter directly affecting the acquiring of jurisdiction by the said legislative body to order the said work of improvement. If in the opinion of said legislative body, any such specification is well taken, it may abandon the said proceedings or such portion of the same as it may deem desirable to correct or modify, and proceed as in the first instance. Within twenty days from the date of the first publication of the notice of award of contract, when no objections of the character herein mentioned are filed, the successful bidder shall enter into a contract to make said improvement at the prices specified in his bid. In the event that objections are filed, and are rejected by the legislative body, then within five days after receiving notice from the city clerk of such rejection the successful bidder shall enter into said contract. If such bidder neglects, fails, or refuses to enter into such a contract within said period, then the legislative body without further proceedings shall again advertise for proposals or bids as in the first instance, and award the contract for said improvement to the then lowest regular bidder.

SEC. 9. The superintendent of streets is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized by this Act. All such contracts shall specify the time for the completion of the improvement, which shall be the period mentioned in the notice calling for bids. The superintendent may extend the time so fixed from time to time under the direction of the said legislative body, and the work shall be prosecuted with diligence from day to day to completion. The work provided for must in all cases be done under the direction and to the satisfaction of the superintendent of streets, and the materials used shall comply with the specifications, and be to the satisfaction of said superintendent of streets. In the event that the work is not prosecuted with diligence, the said legislative body may, after hearing, upon notice served upon the contractor or his bondsmen, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the contractor to continue with the work. If thereafter the said contractor shall fail to comply with the said contract and with the terms and conditions so prescribed the said legislative body may after a hearing had in the manner above first provided declare said contract forfeited and all the rights of the contractor therein terminated. Whereupon the street superintendent shall readvertise for bids for the performance of the said work or such portion of it as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner heretofore provided for such awarding and execution in the first instance, and upon the completion of the work, the contractor to whom it may be awarded, or his assigns, shall be entitled to an assessment issued to cover the expenses of the work done under his contract.

SEC. 10. The contractor shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond satisfactory to and approved in writing by the superintendent of streets, with two or more sureties in such sum as the mayor may deem adequate, and payable to the city conditioned for the faithful

performance of the contract, and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond over and above all statutory exemptions. The contractor shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond satisfactory to and approved in writing by said superintendent of streets in a sum of not less than of one half of the total amount payable by the terms of said contract. Such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond and shall be made to inure to the benefit of any and all persons, companies, or corporations, who perform labor on, or furnish materials to be used in the said work or improvement, and shall provide that if the contractor to whom said contract was awarded or any assignee of such contractor fails to pay for any materials so furnished for the said improvement, or for any work or labor done thereon, and should the sureties will pay the same to an amount not exceeding the sum specified in said bond. Any materialman, person, company or corporation, furnishing materials to be used in the performance of the work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, person, company, or corporation to whom the said contract was awarded, may within thirty (30) days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company or corporation filing the same or his or its assigns may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action and a reasonable attorney's fee, to be fixed by the court, for the prosecution thereof.

SEC. 11. Before being entitled to a contract, the bidder to whom the award was made, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders, and other incidental expenses and matters required under the proceedings prescribed in this Act, and such other matters as may be deemed requisite by the city council. And in case the work contemplated by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury. In the event that the contractor shall abandon his contract, or his contract shall be abandoned by reason of his failure to prosecute the work with diligence, the said expenses shall be held by the city to apply on the incidental expenses already incurred, and the contractor to whom the contract may be awarded on readvertisement shall not be obliged to advance any incidental expenses, but in the event that the amount so deposited by the first contractor shall not cover the total amount of such incidental expenses, said contractor, to whom the contract is awarded after the readvertisement, shall be obliged to pay the deficit, if any there be, before being entitled to an assessment.

SEC. 12. The city engineer shall make duplicate diagrams of the property fronting upon the proposed work or improvement or contained within the assessment district when the expenses of the proposed improvement are to be assessed upon a district. Such diagrams shall show each separate lot, piece or parcel of land, with an appropriate number, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done. And when said diagrams shall have been approved by the legislative body, and the clerk has certified the fact and the date thereof, said diagrams shall be delivered to the superintendent of streets of said city, who shall as soon as the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets, or legislative body on appeal, proceed to estimate on the lands, lots or portions of lots fronting on said work when no district has been established of lands to be assessed, or when a district has been established, upon the lands, lots or portions of lots within said district, the benefits arising from such work, and to be received by each said lot, portion of lot or parcel of land, and shall thereupon make an assessment to cover the sum due for the work performed and specified in said contract (including the incidental expenses) and shall assess upon and against said lots and lands the total amount of the costs and expenses of such work. And in so doing he shall assess said total sum upon the several pieces, parcels, lots, portions of lots, and parcels of land upon each respectively, in proportion to the said benefits to be received by each of said several lots, portions of lots, or subdivisions of land. When the work shall not have been declared by the resolution of intention to be of more than local or ordinary public benefit, and shall not have been made assessable upon a district, the lots, pieces, or parcels of land liable to be assessed for such improvement shall be those fronting upon the street or streets improved, and those situated in the quarter blocks and irregular blocks adjoining and cornering upon the crossings or where there is a termination in the two quarter blocks adjoining and cornering on the same.

Such assessments shall cover the sum due for the work performed as specified in said contract, and shall also include all incidental expenses. Such incidental expenses shall include the compensation of the city engineer for work done by him; also the cost of printing, advertising, and posting required by this Act; also the compensation of the person or persons appointed by the superintendent of streets to take

charge of and superintend any of the work of constructing said improvements; also the expenses of making the assessment for any of the work authorized by this Act. The amount of all such incidental expenses shall be settled and allowed by the street superintendent upon itemized bills duly verified by oath of the demandor.

Said assessment shall briefly refer to the contract, and shall show the amount to be paid therefor, together with the incidental expenses, the amount of each assessment, the name of the owner of each lot, piece, or parcel of land (if known to the street superintendent); if unknown, the word "Unknown" shall be written opposite the number of the assessment, together with the amount assessed thereon. The assessments upon the respective lots, or parcels of land assessed shall be numbered to correspond with the numbers in the diagram. To said assessment shall be attached a warrant which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

By virtue hereof, I (name of superintendent of streets), of the city of _____, county of _____ (or city and county of _____,) and State of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

(Name of superintendent of streets.)

Countersigned by

(Name of mayor.)

Said warrant and assessment, shall be recorded in the office of the superintendent of streets and one diagram shall be there filed. When so recorded, the several amounts assessed shall be a lien upon the lands, lots or portions of lots assessed respectively, for the period of two years from the date of said recording unless sooner discharged; and from and after the date of said recording of any warrant and assessment all owners and all other persons interested in the work provided for, shall be deemed to have notice of the contents of the record thereof.

SEC. 13. After said warrant and assessment are recorded, the same shall be delivered to the contractor, or his agent or assign, together with one of the diagrams, on demand, and by virtue of said warrant, said contractor, or his agent or assign shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in said assessment. The contractor or his assign, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed on each lot, piece or parcel of land. If any payment be made to the contractor, his assigns or some person in his or their behalf, a receipt shall be given, which, when presented to the superintendent of streets, shall authorize him to release such assessment when demanded by the property owner. It shall be the duty of the contractor, his agent or assign, to promptly notify the superintendent of streets of all payments made to him, whereupon the said superintendent shall release assessments which have been fully paid. Whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the same contractor, or his assigns or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets within thirty (30) days after its date with a "return" endorsed thereon, signed by the contractor, or his assigns or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made in the margin of the record of the warrant, and assessment. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per centum per annum until paid. The superintendent of streets shall give a good and sufficient discharge of any assessment upon the presentation to him of a receipt from the said contractor, or his assigns, showing the assessment has been paid in full together with interest thereon.

Upon the recording of the assessment and warrant, the superintendent of streets shall notify the legislative body of the city of such recording, and it shall thereupon fix a time when it will hear and pass upon the assessment, and the proceedings thereon had and taken, which shall not be later than twenty days from the date of such recording, and cause notice thereof to be given by publication for five days in a newspaper published and circulated in said city, or in cities where there is no daily newspaper, for two times in a semi-weekly or weekly newspaper so published. The owners, the contractor or his assigns, and all other persons interested in the work contracted for, or in the assessment for the expenses of the same, having any objection to the assessment or any of the previous proceedings connected therewith, or who claim that the work has not been performed according to the contract in a good and substantial manner, or making any objection to the correctness or legality of the assessment or proceedings, may at any time prior to the time fixed for said hearing, file a written notice briefly specifying the grounds of their objections. At the time fixed for the hearing or at such time or times not later than ten days there-

after, to which such hearing may be postponed, the legislative body of said city shall hear and pass upon all objections so made and filed. All the decisions and determinations of said legislative body, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said legislative body might have remedied or avoided at any time during the progress of the proceedings.

SEC. 14. At any time after the period of thirty-five (35) days from the date of the said warrant, or if any appeal is filed with the legislative body as provided in Section 13 of this Act, at any time after five (5) days from the decision of said legislative body, the contractor, or his assigns, may sue in his own name the owner of the lands, lots, or portions of lots assessed and recover the amount of any assessment remaining unpaid with interest thereon at the rate of ten per cent per annum until paid. In all cases of recovery under the provisions of this Act, where personal demand has been made, and the owner has refused to pay such assessment so demanded, the plaintiff shall recover in addition to the taxable costs, a reasonable attorney's fee. When separate actions shall have been commenced for the foreclosure of the liens arising under a single proceeding, such actions may by order of the court be consolidated, where the parties defendant are identical.

Suit may be brought in the superior court, within whose jurisdiction the city is, in which said work has been done, and in case any assessments are made against lots, portions of lots, or lands, the owners whereof cannot with due diligence be found, the service of summons may be had in the manner prescribed in the Codes and laws of this State. The said warrant, assessment, and diagram, with the affidavit of demand and nonpayment, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the superintendent of streets and city council, upon which said warrant, assessment, and diagram, are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said courts; and, on appeal, the appellate court shall be vested with the same power to adjudge and decree a lien, as is decreed in the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending or hereafter brought for recovery of street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also when not in conflict herewith by the Codes of this State. This Act shall be liberally construed to effect the ends of justice. The person owning the fee, or the person in whom, on the day the action is commenced, appears the record title to the lots and lands by deeds duly recorded in the county recorder's office of such county, or the person in possession of lands, lots, or portions of lots, or buildings under claim or exercising acts of ownership over the same for himself, or an executor, administrator, or guardian of the owner shall be regarded, treated, and deemed to be the "owner" for the purpose of this law, according to the intent and meaning of that word as used in this Act. The word "lot" as used in this section shall be held to mean the lots as shown by recorded plats of additions or subdivisions existing at the date of the approval of the engineer's diagram, but if there be no such recorded plat or if the owners of property have disregarded the lines of lots as platted, then the parcel of ground, or lot treated as one parcel, shall be regarded as a lot for the purposes hereof.

SEC. 15. Whenever in any suit, the lien of any assessment or reassessment, or of any bond issued to represent the amount assessed on any lot in such assessment or reassessment shall be defeated, or held invalid because a portion of the improvement ordered was for any reason without the power of the legislative department to order in said proceedings, or was not properly embraced within the contract for said work, or in the assessment made to cover the expenses, the owner of the warrant or the holder of such bond shall be entitled to a decree from the court determining what portion of said assessment shall be authorized or legal, and there shall thereafter be issued to him by the superintendent of streets within sixty days, and in accordance with the directions of such decree, a new assessment for an amount which the court shall find was the reasonable value of the portion or portions of the improvement properly and legally authorized by the proceedings, which amount shall be assessed upon the property in the same manner as provided in this Act for issuing the original assessment, which reassessment shall be a lien upon the property so reassessed for two years from the date of recording the said reassessment and warrant and filing a diagram, and may be enforced in the same manner as an original assessment could be enforced, and the holder or holders of bonds representing the original assessments shall be entitled to new bonds, on each lot, piece or parcel of land representing respectively the amount assessed by such reassessment.

Whenever in any such suit the lien of an assessment, or of a bond issued to represent the amount of such an assessment, shall be defeated or held invalid for any cause arising subsequent to the acquiring of jurisdiction by the legislative body to order said work; or when such lien shall have been defeated or held invalid for any cause, and it shall also appear that the owner of the property holding the

same at the time the notice of the award of contract was published shall have had personal knowledge of the intention to order the same or shall prior thereto have received a mailed copy of the resolution of intention, and shall not have filed a protest against the improvement or a notice of his objections to any of the proceedings such as is provided for by Section 8 of this Act, the owner of such assessment or bond shall be entitled to and shall recover from the owner of the lot, piece or parcel of land covered by said assessment, such sum as the court shall find such lot, piece or parcel of land to have been actually benefited by the said improvement, which sum, however, shall not exceed the amount which would have been properly assessable against said lot, piece, or parcel of land under the assessment or assessments made pursuant to the contract had such assessment or assessments been valid and binding.

SEC. 16. The superintendent of streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this Act. The records so kept and signed by him shall have the same force and effect as other public records, and copies therefrom duly certified may be used in evidence with the same effect as the originals. The said records shall during all office hours be open to the inspection of any person wishing to examine them free of charge.

SEC. 17. The city engineer, or where there is no city engineer, the secretary of city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof, and every certificate signed by him in his official character shall be prima facie evidence in all courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no city engineer, the legislative body thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

The superintendent shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction of any improvement constructed under the provisions of this Act, whose duty it shall be to see that the contract made for doing the said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed such compensation as the legislative department shall fix, but not to exceed five dollars per day. Such sum shall be deemed to be incidental expenses, and shall be included in the amount of the assessment.

SEC. 18. Whenever any railroad track or tracks of any description exist upon the street or streets upon which the legislative body of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there be more than one, the said order, unless said legislative body shall by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like satisfaction as those ordered to be performed by said order ordering the work, and the resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such street or streets to notify in writing the superintendent of streets if such person or company elects to perform such work at its own charge and expense and under its own direction, said notice must be delivered to the superintendent of streets within ten days after the first publication of notice of award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said legislative body to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner hereinbefore provided for the awarding of contracts for improvements, excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required by section ten of this Act. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of

the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor shall thereupon be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said track or tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as a security for the recovery of such amount, a first lien upon the track and franchises of said person or company, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to perform such work at its own cost and expense and under its own direction, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the legislative body may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described, between the rails and for two feet on each side thereof, and between the tracks if there be more than one, shall not be made with diligence, or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the legislative body of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the said legislative body may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portions thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvement under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinbefore provided for, and shall have the right to collect from said person or company by suit the amount specified in such certificate in all respects the same as is hereinbefore provided where the contract is let for such improvement in the first instance.

SEC. 19. When any portion of any street, alley, or public place in said city shall be out of repair or needing reconstruction, or in a condition to interfere with the public convenience in the use thereof, it shall be the duty of the superintendent of streets to notify the owner of any lot or portion of a lot, fronting on the portion of such street, alley, or public place, so out of repair or needing reconstruction, to repair or reconstruct such portion of said street, alley, or public place, to the center line of said street, alley, or public place, in front of the property of which he is the owner, or to repair the sidewalk in front of such property in case such sidewalk shall need repair or reconstruction, and he shall state in such notice what work is required to be done and what materials shall be used in said work and how the same shall be done. If said repairs or reconstruction be not commenced within ten days after notice given, as aforesaid, and prosecuted to completion diligently, the said superintendent of streets may under authority from said legislative body let a contract for the performance of such work. He shall post notice at his office for two days inviting bids for the doing of said work of repair or reconstruction, and the contract shall be awarded by him to the lowest bidder, and a contract in writing shall be entered into with the successful bidder. Upon the completion of said repairs or reconstruction to the satisfaction of said superintendent of streets, he shall make and deliver to said contractor a certificate to the effect that said repairs or reconstruction, or both, have been properly made, and state what amount is payable by each owner for the same, which certificate shall be recorded in the office of said superintendent of streets in a book kept for that purpose, and all owners of property in front of which such improvement shall have been performed, shall be deemed to have notice of the contents of the record thereof. The contractor may make demand for the amount due by serving written notice upon the owners, referring to the certificate so recorded, and if the contractor be not paid on demand, he shall have the right to sue each owner for the amount due and payable from each respectively, and the said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for the work and materials and of the right of the contractor

to recover for the same in such action, and the amount so due and payable shall be a first lien upon the respective lots, pieces or parcels of land against which it may be charged and shall have the same effect as the lien hereinbefore provided for in section twelve of this Act and may be enforced in the same manner.

In addition, the legislative body shall have power by ordinance to prescribe the penalties that shall be incurred by any owner for neglecting or refusing to make repairs when required, which penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California, in the court having jurisdiction thereof, and may be applied, if deemed expedient, by the said legislative body in the payment of the expense of any such repairs not otherwise provided for.

SEC. 20. The legislative body may, in its discretion, determine by its resolution of intention that the whole or any part of the cost and expenses of any of the improvement mentioned in this Act shall be paid out of the treasury of the municipality from such fund as it may designate. In such case, the superintendent of streets in making up the assessment for the costs and expenses of said improvement shall first deduct from the whole costs and expenses, such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, piece or parcel of land fronting on the streets improved, or such as are liable to be assessed for such work, in the manner in this Act hereinabove provided.

The legislative department of any municipality in this State may, in its discretion, determine that serial bonds shall be issued to represent the cost of said improvement which shall be issued in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid until the whole of said principal and interest is paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon presentation of said coupon; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the serials, number, date, amount, rate of interest, payee, and indorsers of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

When said legislative body shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this Act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in all notices of said proceedings required by this Act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said legislative body upon an appeal, and describing the bonds, shall be included in the warrant provided for in section twelve of this Act.

SEC. 21. After the expiration of thirty days from the date of the warrant, or if an appeal be taken to the legislative body as provided in section thirteen of this Act, then five days after the final decision of said legislative body, and after the street superintendent shall have recorded the return, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

§

No.

Under and by virtue of an Act of the Legislature of the State of California (title of this Act), I, out of the fund for the above designated street improvement bonds, series, will pay to, or order, the sum of (\$), with interest at the rate of

per cent per annum, all as in hereinafter specified, and at the office of the _____, treasurer of the _____ of _____, State of California. This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____, issued by the street superintendent of said _____, after acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, county of _____, State of California, _____.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable, but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum. The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest, except the last, which is for interest from the semiannual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said _____ of _____, this _____ day of _____, in the year one thousand _____ hundred and _____.

City Treasurer of the _____
of _____.

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in this Act.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land, present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the street superintendent.

The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work.

They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this Act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent, to the city treasurer, and of the validity of said lien, up to the date of said list.

SEC. 22. Whenever, through the default of the owner of any lot or parcel of land upon which such bond is or may hereafter be issued or to represent the assessment upon said lot or parcel of land, payment, either upon the principal, or of the interest, has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond thereupon demands in writing, that the said city

treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Subdivision *a*. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as provided in this section, the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond, and the interest due thereon, together with the cost of publication of such notice, are paid, the real property, described in said bond with be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

Subdivision *b*. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made—such affidavit is primary evidence of all the facts stated therein.

Subdivision *c*. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

Subdivision *d*. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this Act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled, but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

Subdivision *e*. The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

Subdivision *f*. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per centum per month from the date of sale.

Subdivision *g*. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Subdivision *h*. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "redeemed," the date, and by whom redeemed on the margin of the book where the entry of the certificate is made.

Subdivision *i*. If the property is not redeemed within the time allowed by subdivision *g* hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however*, that the purchaser of the property, or his assignee, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this Act required. In case of unoccupied prop-

erty, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this Act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his services of such notice and the making of said affidavit, which sum of fifty cents shall be paid by redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Subdivision *j*. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county, and municipal taxes.

Sec. 23. *First*—The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Second—The words "work", "improve", "improved" and "improvement", as used in this Act shall include all work mentioned in this Act, and also the construction, reconstruction and repairs, of all or any portion of said work.

Third—The term "incidental expenses," as used in this Act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising as provided in this Act; also, the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this Act; also the expenses of making the assessment for any work authorized by this Act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth—The notices, resolutions, orders or other matter required to be published by the provisions of this Act, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city except where herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this Act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice" as used in this Act, referring to the number of times notices, resolutions or other matters shall be published, shall be held to mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

Fifth—The word "municipality" and the word "city" as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved" or "repaved", as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the legislative body may by resolution adopt.

Seventh—The word "street" as used in this Act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term "main street" means such actually opened street or streets as bound a block; and the word "blocks", whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Eighth—The term "street superintendent" and "superintendent of streets", as used in this Act, shall be understood and so construed as to include, and are hereby

declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Ninth—The term "legislative body" is hereby declared to include any body or board which, under the law, is the legislative body of the government of any city.

Tenth—In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh—The terms "clerk" and "city clerk" as used in this Act, are hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth—The term "quarter block" as used in this Act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Thirteenth—The term "one year" as used in this Act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

SEC. 24. Whenever in proceedings hereunder, a time and place for hearing by the city council is fixed, and from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the city council in the premises shall not thereby be divested or lost but the city council may proceed anew to fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five days before the date of the hearing, and thereupon the city council shall have power to act as in the first instance.

SEC. 25. Whenever any resolution, order, notice, or determination is required to be published or posted, and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer of the city it shall be the duty of the city clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting, or procuring the publication or posting, of any resolution, notice, order or determination hereunder when the same is actually published or posted for the time herein required.

SEC. 26. This Act shall be liberally construed to the end that its purposes may be effective. No error, irregularity, informality, and no neglect or omission of any officer of the city, in any procedure taken hereunder, which does not directly affect the jurisdiction of the city council to order the improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the city council as herein provided.

SEC. 27. This Act shall in nowise affect an Act entitled: "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885; or an Act entitled: "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of said bonds," approved February 27th, 1893; or an Act entitled: "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law February 26th, 1901, or an Act entitled: "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," which became a law April 21, 1909, or amendments to any of said Acts, or any other Acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for making the improvements provided for by this Act; and it shall be in the discretion of the legislative body of any city to proceed, in making said improvements, under the provisions either of this Act or of such other Acts; but when any proceedings are commenced under this Act, the provisions of this Act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said Acts or any Acts in conflict herewith shall be void and of no effect as to the proceedings commenced under this Act.

SEC. 28. This Act may be designated and referred to as the "Improvement Act of 1911," and shall take effect and be in force on its passage and approval.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, subdivision 4, line 60, after the word "county" add the following: "or any building or other structure of the character referred to in subdivisions five and eight of this section".

Amendment adopted.

Also:

On page 4, subdivision 8, line 115, strike out the word "thousand", and insert in lieu thereof the following: "hundred".

Amendment adopted.

Also:

On page 8, subdivision 30, line 251, of the printed bill, strike out the word "three", and insert in lieu thereof the following: "twenty-five".

Amendment adopted.

Also:

On page 8, subdivision 30, line 252, of the printed bill, strike out the word "two", and insert in lieu thereof the following: "ten".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

During second reading of the bill, the following amendment was submitted by committee:

After the word "at" in line 7, of the title of the printed bill, strike out the rest of the title, and insert in lieu thereof the following: "domestic and foreign expositions."

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, after the letter "b", strike out all the rest of the bill, and insert in lieu thereof the following: "The board of supervisors of the several counties within the State of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purposes of creating a fund to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of California: *provided*, the total tax levies for such purposes in any one year shall not exceed six cents on each one hundred dollars of taxable property in the county according to the assessment-roll, *provided, however*, that no such levy shall be made by such board of supervisors except by a two-thirds vote of the members of the board.

Sec. 2. This Act shall take effect and be in force immediately from and after its passage.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p*, relating to the shooting of ducks and other water fowl from tanks or sink boxes.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the word "geese".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shotguns or pump guns.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

During second reading of the bill, the following amendment was submitted by committee:

On page 4, Section 2, line 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILLS.

Senator Welch asked for, and was granted, unanimous consent to withdraw Senate Bill No. 35—An Act to regulate the practice of

stationary and steam engineering; the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among stationary and steam engineers in the State of California.

Senate Bill No. 35 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 37, strike out the word "department", and insert in lieu thereof the word "body".

Amendment adopted.

Also:

On page 2, Section 3, line 3, after the word "lot" insert the following: "or parcel of land":

Amendment adopted.

Also:

On page 3, Section 3, line 8, strike out the period after the word "provided", and insert in lieu thereof a semicolon, and the following: "*provided*, there be no other bond or bonds outstanding against said lot representing any special assessment."

Amendment adopted.

Also:

On page 3, Section 4, line 2, strike out the first word "authorized".

Amendment adopted.

Also:

On page 3, Section 4, line 2, strike out the word "filing", and insert in lieu thereof the following: "filed".

Amendment adopted.

Also:

On page 5, Section 4, line 95, strike out the first word "of", and insert in lieu thereof the following: "for".

Amendment adopted.

Also:

On page 5, Section 4, line 95, strike out the word "Its", and insert in lieu thereof the following: "The".

Amendment adopted.

Also:

On page 6, Section 5, line 4, insert comma after the word "delivered".

Amendment adopted.

Also:

On page 6, Section 6, line 6, insert a comma after the word "municipal".

Amendment adopted.

Also:

On page 7, Section 7, lines 1 to 5, inclusive, strike out beginning with the word "issued" in line 1, to and including the word "par" in line 5, and insert in lieu

thereof the following: "or any number of such bonds, issued hereunder, except as otherwise provided in section nine hereof, shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then such advertisement shall be published *once* in a weekly or semi-weekly newspaper so published and circulated; *provided, however,* that said bonds shall not be sold for less than par. If any bond be sold for an amount in excess of par such excess shall be paid into the general fund of the city."

Amendment adopted.

Also:

On page 7, Section 9, line 1, strike out the word "completed", and insert in lieu thereof the following: "competent".

Amendment adopted.

Also:

On page 7, Section 10, lines 2 and 3, strike out the words "to represent the assessment upon which such bond is issued", and insert in lieu thereof the following: "upon which such bond is issued to represent the assessment."

Amendment adopted.

Also:

On page 8, Section 11, line 18, strike out the word "is", and insert in lieu thereof the following: "if".

Amendment adopted.

Also:

On page 9, Section 18, line 2, strike out the word "three", and insert in lieu thereof the following: "sixteen".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

During second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 3, at the end of Section 3, add the following:

"Nothing in this Act contained shall be construed as an assertion or recognition on the part of the State of the right to convey title to such lands to individuals, but is intended solely to place grantees under this Act in the same position as those who have received grants under the Acts herein referred to."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 5, line 3, strike out the word "five", and insert in lieu thereof the following: "seven".

Amendment adopted.

Also:

On page 3, Section 5, line 7, after the word "veterans", insert the following: "one a member of the Sons of Veterans, one a member of the Daughters of Veterans."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 47, strike out the word "such", and insert in lieu thereof the following: "all".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 15, strike out the semicolon after the word "misdemeanor", and insert in lieu thereof the following: a period (.)

Amendment adopted.

Also:

On page 2, Section 1, lines 15 to 19, strike out the words "and upon conviction of violation of the provisions of this section, shall be subject to punishment for each offense by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for six months or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 764—An Act to add a new section to the Penal Code of the State of California, to be known and numbered 439a, making it

a misdemeanor for any unauthorized person to solicit, procure or obtain any risk for any insurance company, or association.

On motion of Senator Caminetti, Senate Bill No. 764 was temporarily passed on file, to retain its place.

Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Thompson, the second-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 1248—An Act to provide for the reflooring of the male building of Stockton State Hospital with maple flooring, and to make appropriation for same.

Bill read second time, ordered engrossed, and on file for third reading.

ANNOUNCEMENT.

The President of the Senate presented the following communication, relative to the accrediting of newspaper correspondent, which was read and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, February 24, 1911.

Secretary of Senate, State Capitol, Sacramento, California.

DEAR SIR: This is to notify you that Robert E. Jones, of the Bee staff, is now representing this paper in the Senate in the place of Mr. Standerwick.

Very truly,

JOHN S. CHAMBERS, News Editor.

ADJOURNMENT.

At six o'clock and ten minutes P. M., on motion of Senator Hurd, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, March 3, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Rev. Father William Hughes, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 2, 1911, the further reading was dispensed with, on motion of Senator Rush.

APPROVAL OF JOURNALS.

The Journals of Monday, February 13, Tuesday, February 14, Wednesday, February 15, Thursday, February 16, Friday, February 17, and Saturday, February 18, 1911, having been corrected, were read and approved.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to F. T. Dwyer, of Sacramento.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property,—and report that the same has been correctly enrolled, and presented the same to the Governor on the second day of March, 1911, at six o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

Also: Senate Bill No. 195—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Also: Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

Also: Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Also: Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shotguns or pump guns.

Also: Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

Also: Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Also: Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relating to the publication of statements of insurance companies.

Also: Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualification of the Superintendent of State Printing.

Also: Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Also: Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 11, 195, 238, 355, 530, 570, 893, 903, 934, 1051, and 1248 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Also: Assembly Bill No. 208—An Act to authorize the personal representative of James Toulhey, deceased, to bring suit against the State of California.

Also: Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the state.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 871, 208, and 70 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STETSON, Chairman.

Senate Constitutional Amendment No. 49 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Also: Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Also: Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 738, 1005, and 466 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 654 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known

as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

Also: Senate Bill No. 675—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Also: Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipts, circulation or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also: Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

BELL, Chairman.

Assembly Bills Nos. 25 and 766 ordered on file for second reading.

Senate Bills Nos. 675 and 901 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

BELL, Chairman.

Senate Bill No. 964 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 20, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 20.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

The Legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section eight of article eleven of the Constitution of the State of California, be amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, or by a census of said city, taken, subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the Constitution, (or, having framed such a charter, may frame a new one,) by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether

the petition is signed by the requisite number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall thereupon, cause said proposed charter to be published, for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city, at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this section of the Constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published, and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or

rejection as a whole, without power of alteration or amendment, and if approved by the Legislature as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this Constitution and by the laws of the state, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 20 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—Senator Roseberry—1.

Senate Constitutional Amendment No. 20 ordered engrossed, and transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 248, the same was taken up for consideration.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

During second reading of the bill, the following committee substitute prepared by the minority, and presented in their report, was submitted:

SUBSTITUTE FOR ASSEMBLY BILL NO. 248.

An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment, or by any express or transportation company in this State more than nine hours during any one day or more than fifty-four hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of one day, or fifty-four hours during any one week; *provided, however*, that the provisions of this section in relation to the hours of employment shall not apply to nor affect the harvesting, curing, canning, drying, manufacturing or packing of any variety of perishable fruit, vegetable or other perishable foodstuffs; *provided, further*, that the provisions of this section in relation to the hours of employment shall not apply when a necessity arises in any of the employments or establishments hereinbefore set out, for additional hours of work; *and provided, further*, that such necessity shall be deemed to exist only upon the making of an affidavit by the responsible head of such industry or establishment that a necessity has arisen therefor and upon the filing of said affidavit with the Bureau of Labor of the State of California; *and provided, further*, that such period of necessity so arising shall in all not exceed ninety days in any one calendar year; *and provided, further*, that for any and all time during said period of necessity so deemed to exist, the employees of said industry or establishment shall receive as compensation for such additional time beyond the nine hours by this section provided a sum fixed at the rate of one and one half times per hour the compensation for the said nine hours.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section one more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this Act during any day of twenty-four hours,

or who shall fail, neglect, or refuse to provide suitable seats as provided in section two of this Act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than five nor more than thirty days, or both fined and imprisoned.

MOTION.

Senator Wright moved that the minority committee substitute be adopted.

Duly seconded.

SUSPENSION OF RULES.

On motion of Senator Hurd, the rule limiting the time of a speaker during debate to five minutes was suspended during the consideration of Assembly Bill No. 248.

MOTIONS.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded and carried.

Senator Wright moved to re-refer Assembly Bill No. 248, together with the proposed minority committee substitute, to the Committee on Labor, Capital and Immigration.

Motion duly seconded.

The question being on the motion.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Birdsall, Cutten, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Stetson, Strobbridge, Thompson, Tyrrell, and Wright—14.

NOES—Senators Avey, Beban, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Hare, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Walker, Welch, and Wolfe—22.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Caminetti, the hour of recess was extended fifteen minutes.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the adoption of the minority committee substitute.

The roll was called, and the minority committee substitute to Assembly Bill No. 248 refused adoption by the following vote:

AYES—Senators Gates, Hurd, Juilliard, Thompson, and Wright—5.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Hans, Hare, Hewitt, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Tyrrell, Walker, Welch, and Wolfe—32.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing

any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act—be made a special order for Friday, March 3, 1911, immediately after the second reading of Assembly bills.

Motion seconded.

The question being on the motion to make the further consideration of Assembly Bill No. 248 a special order for Friday, March 3, 1911, immediately after the second reading of Assembly bills.

The roll was called, and the motion carried by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Cassidy, Curtin, Cutten, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, and Wright—20.

NOES—Senators Behan, Birdsell, Black, Bryant, Burnett, Caminetti, Campbell, Finn, Hare, Larkins, Lewis, Regan, Rush, Shanahan, Walker, Welch, and Wolfe—17.

MOTION.

Senator Wright moved that the special order heretofore set for Friday, February 3, 1911, immediately after the second reading file of Assembly bills, being the further consideration of Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act—be vacated.

Motion carried.

Assembly Bill No. 248 read second time, and ordered on file for third reading:

QUESTION OF PERSONAL PRIVILEGE.

Senator Larkins arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I arise to a question of privilege regarding statements of Senator Gates in the discussion of Assembly Bill No. 248.

According to my recollection, and as I heard him, Senator Gates stated at a meeting of the Committee on Labor, Capital and Immigration, that he desired at that meeting to say a few words upon the amendments. If, however, he says that he did not say so I believe him, for I have more confidence in his veracity than I have in my hearing. But will say that I believe that I heard him say so. I have the profoundest respect for Senator Gates, and if I became unduly warm in my defense of the committee, and myself, when I thought we were assailed without reason, I hope the gentleman will pardon me, for I don't want this matter to end in this way. I hold the Senator in the highest esteem, and I hope our pleasant relations shall continue.

TIME OF RECESS EXTENDED.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Boynton, the hour of recess was extended five minutes.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Also: Assembly Bill No. 972—An Act to amend Section 6324 of the Penal Code of the State of California, relating to the protection and preservation of fish.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Also: Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Also: Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making appropriation therefor.

Also: Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Also: Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Also: Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and

changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 330, 717, 756, 856, 918, 1470, and 1339 read first time.

Assembly Bill No. 330 ordered referred to Committee on Finance.

Assembly Bill No. 717 ordered referred to Committee on Corporations.

Assembly Bill No. 756 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bill No. 856 ordered referred to Committee on Judiciary.

Assembly Bill No. 918 ordered referred to Committee on Military Affairs.

Assembly Bill No. 1470 ordered referred to Committee on Hospitals and Asylums.

Assembly Bill No. 1339 ordered referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also: Senate Bill No. 143—An Act providing an appropriation for \$1,000, for the purpose of purchasing necessary kitchen equipment for the refectory building at the Preston School of Industry.

Also: Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scamell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Also: Senate Bill No. 267—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits, and all necessary equipment, and to make appropriation for the same.

Also: Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Also: Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 4, 142, 143, 260, 367, 368, 370, 371, 477, 516, 558, and 713 ordered to enrollment.

TIME OF RECESS EXTENDED.

At twelve o'clock and fifty minutes P. M., on motion of Senator Boynton, the hour of recess was extended one minute.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Also: Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Also: Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

Also: Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy three, prohibiting officers and directors of cemetery corporations or associations from borrowing directly or indirectly any funds of the corporation or association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such corporations or associations and prescribing a penalty therefor.

Also: Senate Bill No. 289—An Act to amend section thirty-three of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909.

Also: Senate Bill No. 1188—An Act relating to the Panama Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Also: Senate Joint Resolution No. 8—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Also: Senate Bill No. 638—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Also: Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Also: Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Also: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the state hygienic laboratory.

Also: Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by state or county.

Also: Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions.

Also: Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 3d day of March, 1911, at eleven o'clock A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty for the violation thereof.

Also: Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 15, 961, and 1063 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1052 ordered on file for third reading.

RECESS.

At twelve o'clock and fifty-one minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. Le Moyn Wills of Los Angeles.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Bell, the second reading of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 3, strike out all of Section 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 23, 1909, said amendment referring to the levy of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county; providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a

lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 726—An Act to amend section two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Den-

nison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, of the printed bill, strike out all of line 4, and strike out the word "home" in line 5.

Amendment adopted.

Also:

On page 1, Section 1, line 6, of the printed bill, strike out the words "said home", and insert in lieu thereof the words "Sonoma State Home".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego, California.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title, after the words "An Act", and insert in lieu thereof the following: "Giving and granting to the board of park commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes."

Amendment adopted.

Also:

Section 1, page 1, line 1, of the printed bill, after the word "the" and before the words "city of San Diego", insert the following: "board of park commissioners of the".

Amendment adopted.

Also:

On page 1, Section 2, line 1, after the word "the", and before the words "city of San Diego", insert the following: "board of park commissioners of the".

Amendment adopted.

Also:

On page 2, Section 2, line 11, after the word "said", and before the word "city of San Diego", insert the following: "board of park commissioners".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Bill read second time, and ordered on file for third reading.

Assembly bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—OUT OF ORDER.

On motion of Senator Wright, the third reading of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Assembly Bill No. 269 was temporarily passed on file, in the absence of Senator Curtin, to retain its place.

Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 382 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Cartwright, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Stetson, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Stetson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1160 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 587 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

On motion of Senator Martinelli, Assembly Bill No. 833 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Sanford, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.
Read third time.

On motion of Senator Caminetti, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 553 (Committee Substitute for)—An Act to divide the State of California into six fish and game districts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "and", and inserting in lieu thereof a comma

Also: By striking out after the word "district" in line 6, Section 1, the period, and inserting the following: "and the seventh fish and game district."

Also: By striking out of Section 4, line 4, the words "Alpine, Mono," and the comma after the word "Mariposa" on line 4, and inserting in lieu thereof a period after the word "Mariposa".

Also: By adding a new section after Section 7, on page 2, to be numbered Section 8, to read as follows:

"SEC. 8. The seventh fish and game district shall consist of and include the counties of Alpine and Mono."

Also: Strike out figure "8", and insert the figure "9".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Committee Substitute for Assembly Bill No. 553, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of the report of the special committee of one, to amend Assembly Bill No. 553, be made a special order for Monday, March 6, 1911, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER)—(RESUMED).

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Bryant, Burnett, Caminetti, Campbell, Cartwright, Gates, Hans, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—22.

NOES—Senators Boynton, Finn, and Hurd—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 941—An Act to amend sections three thousand and one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 941 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Cartwright, Cutton, Finn, Gates, Hans, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purpose for which the same shall be used.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 797 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutton, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 718 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Thompson, Tyrrell, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of the special appropriation bills was taken up for consideration, out of order.

WITHDRAWAL OF BILL.

Senator Sanford asked for, and was granted, unanimous consent to withdraw Senate Bill No. 432—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Senate Bill No. 432 withdrawn, and ordered stricken from the file.

THIRD READING OF SPECIAL APPROPRIATION FILE—RESUMED.

Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifteen minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SPECIAL APPROPRIATION FILE—RESUMED.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

On motion of Senator Caminetti, Senate Bill No. 156 was temporarily passed on file, to retain its place.

Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

On motion of Senator Boynton, Senate Bill No. 526 was passed, to be placed at the foot of the file.

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Senate Bill No. 649 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Senate Bill No. 650 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Shanahan, Stetson, Walker, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation": providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of

said managers, director, clerks and stenographers: providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau.

Senate Bill No. 25 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Senate Bill No. 140 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Senate Bill No. 181 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1047 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 1086 was temporarily passed on file, to retain its place.

Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1088 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Campbell, Cartwright, Estudillo, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Cartwright, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Stetson, Tyrrell, Walker, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR STETSON IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

THIRD READING OF APPROPRIATION FILE—(RESUMED).

Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Bryant, Burnett, Campbell, Cartwright, Estudillo, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Stetson, Tyrrell, Walker, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1248—An Act to provide for the reflooring of the male building of Stockton State Hospital with maple flooring, and to make appropriation for same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1248 passed by the following vote:

AYES—Senators Avey, Bell, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Stetson, Walker, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Assembly Bill No. 269, for consideration, out of order.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wright—21.

NOES—Senators Roseberry and Stetson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the name of J. F. Misphey, page to the President of the Senate, be dropped from the list of attachés and his name be stricken from the pay roll of the Senate, and that the name of F. C. Kirtlan be substituted therefor as page to the President of the Senate, at a salary of \$2.50 per day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Bryant, Campbell, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 1238—An Act making appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Also: Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1238, 1239, and 1240 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 1232 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 240?"

On page 1, Section 1, line 10, after the word "any", insert the following "church,".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 240 by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 240 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 27, 1911, amended, and on this day passed as amended, Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof, to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 31?"

On page 8, Section 16, line 44, after the word "in" insert the word "this".

Also: On page 8, Section 16, line 44, strike out the words "fourteen of this Act"

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 31 by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 31 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Also: Senate Bill No. 356. An Act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 356?"

In line 2 of the title, after the word "trout", insert the following: "or other fish".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 356 by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Campbell, Cartwright, Cassidy, Estrada, Finn, Gates, Hans, Hewitt, Holahan, Martinelli, Regan, Sanford, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 356 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 306?"

On page 1, line 10, of the printed bill, after the word "law", omit the period and insert a comma, followed by the words "together with the names certified by the Secretary of State to have received in the respective parties, the highest number of votes for United States Senator".

Also. On page 3, line 11, of the printed bill, omit the word "officers" and place in lieu thereof the word "offices".

Also. On pages 3 and 4, of the printed bill, omit lines 19 to 33 inclusive, and insert in lieu thereof the following:

"The order in which the list of candidates for any office shall appear upon the ballot which shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however*, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the voter may vote for the whole of such group by stamping one cross (X) at the right of such group.

If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in Section 23 of the primary election law the Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots, *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such

office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order."

Also: On page 4, line 36, of the printed bill, omit the words "by lot".

Also: On page 4, line 41, of the printed bill, after the word "officers", insert the words "and school officers".

Also: On page 4, of the printed bill, line 50, omit the words "above the list of"; also omit lines 51, 52, 53, 54, 55, 56, and the first three words and the period following, in line 57. In place of the above, substitute the following:

"Each group of candidates to be voted on shall be headed by the designation of the office and the words 'Vote for One' or 'Vote for Two' or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left hand margin and the words 'Vote for One' or 'Vote for Two' or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line."

Also: On page 4, line 67, of the printed bill, after the word "offices", insert the words "and school officers".

Also: On page 5, line 84, of the printed bill, at the end of subdivision 4, add the following:

"Each series of the lists of candidates for the several offices shall be headed by the word 'State', 'Congressional', 'Legislative', 'County', or 'Municipal' or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line."

Also: On page 5, line 87, of the printed bill, omit the word "one-eighth", and insert in lieu thereof "one-twelfth".

Also: On page 8, line 186, of the printed bill, omit the word "The" at the beginning of the line and insert in lieu thereof "Except as to the order of the names of candidates, the".

Also: On the printed ballot, pasted between pages 8 and 9 of the printed bill, make the following changes:

(1) Reduce the width of the printed lines to one twelfth of an inch, as provided for in Amendment No. 8.

(2) Strike out the word "For" before the title of each office, and print the title of the office and the words "Vote for One", etc., as is provided in amendment No. 6.

(3) Under "Superintendent of Public Instruction," omit the words "Democrat", "People's Party", "Prohibition", and "Socialist", opposite the names of the respective candidates.

(4) Omit the words "Superintendent of State Printing", and place in lieu thereof the words "United States Senator".

(5) Above the space entitled "Governor", insert the word "State"; above the space entitled "United States Senator", insert the word "Congressional"; above the space entitled "State Senator", insert the word "Legislative"; above the space entitled "For Judges of the Superior Court", insert the word "County"; all as provided in amendment No. 8.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of the question, "Shall the Senate concur in the Assembly amendments to Senate Bill No. 306?" be made a special order for Monday, March 4, 1911, immediately after the reading of the Journal.

Motion carried.

PRESENTATION OF BILLS, ETC.

Senator Sanford offered, and sent to the desk for introduction, a joint resolution.

Joint resolution ordered referred to Committee on Introduction of Bills.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Bell, the second-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 151 was passed, to be placed at the foot of the file.

Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

During second reading of the bill, the following amendments were submitted by committee:

On lines 1 and 2, Section 1, page 1, of the printed bill, strike out the words "five hundred eighty-two thousand seven hundred one", and insert in lieu thereof the words "three hundred eighteen thousand two hundred seventy".

Amendment adopted.

Also:

On page 3, Section 3, line 5, of the printed bill, add after the word "same" the following: "of the amount herein appropriated the sum of sixty five thousand and ten dollars shall become available on and after the passage of this Act. The sum of one hundred twenty six thousand six hundred and thirty dollars shall become available on and after July 1, 1911; and the sum of one hundred twenty six thousand six hundred and thirty dollars shall become available on and after July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Senate Bill No. 28 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 37—An Act to provide for equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Senate Bill No. 37 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in

Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park, in Santa Cruz County, California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 407 (Committee Substitute for)—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 407.

An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000, and making an appropriation for such work.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the treasury of this State not otherwise appropriated, to be applied toward the construction of a breakwater in Monterey Bay, California, in accordance with the plan set forth in the report printed in Document No. 1084 of the United States House of Representatives, sixty-first Congress, third session.

SEC. 2. This Act shall become operative only upon condition that the Government of the United States shall, under, by and through the War Department, assume full charge and control of all work to be done as provided by this Act, and also upon condition that the sum of six hundred thousand dollars shall have been appropriated or authorized to be appropriated by the Congress of the United States for such work; *provided*, that the said sum hereby appropriated shall not be payable as hereinafter provided prior to July 1, 1912.

SEC. 3. The amount hereby appropriated shall be paid to the Treasurer of the United States whenever the sum of six hundred thousand dollars shall have been appropriated or authorized to be appropriated by the Congress of the United States, conditioned on the payment of two hundred thousand dollars for the prosecution of the work hereinbefore set forth by the State of California; *provided*, that the whole of such amount appropriated by the Congress of the United States shall be expended under the direction of the Secretary of War and the supervision of the chief engineers of the United States.

SEC. 4. The Controller of the State of California is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Treasurer of the United States for the amount hereby appropriated, and the State Treasurer is hereby directed to pay the same.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 33—An Act making an appropriation for the equipment, support and maintenance of the branch agricultural experiment station in Imperial County.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, line 1, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

In Section 2, line 2, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

In line 2, paragraph 1, page 1, of the printed bill, after the words "appropriated out of," strike out the word "the", and insert in lieu thereof the following: "any".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 12, of the printed bill, strike out the period and insert in lieu thereof a semicolon and the following words: "*provided further, that*".

Amendment adopted.

Also:

On page 1, Section 1, line 17, of the printed bill, strike out the period and insert in lieu thereof the following: "in said departments of engineering".

Amendment adopted.

Also:

On page 2, Section 4, line 4, of the printed bill, insert between the words "Board" and "shall" a comma, and the words "in addition to the Governor and Superintendent of Public Instruction".

Amendment adopted.

Also:

On page 2, Section 4, line 4, of the printed bill, strike out the word "sixteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

Also:

On page 2, Section 4, line 9, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

Also:

On page 2, Section 4, line 10, of the printed bill, strike out after the word "year" all the remaining part of the section.

Amendment adopted.

Also:

On page 2, Section 5, lines 3 and 4, of the printed bill, strike out the words "so long as the State shall maintain the institute hereby established", and insert in lieu thereof the following: "it being understood that the work of said institution shall be confined to instruction in engineering as hereinbefore specified".

Amendment adopted.

Also:

Strike out all of Section 7, and renumber Sections 8, 9, 10, and 11 to read Sections 7, 8, 9, and 10.

Amendment adopted.

Also:

On page 3, Section 8, line 1, of the printed bill, strike out the word "year", and insert in lieu thereof the word "biennium".

Amendment adopted.

Also:

On page 3, Section 10, line 1, of the printed bill, strike out the word "has", and insert in lieu thereof the word "one".

Amendment adopted.

Also:

On page 3, Section 10, line 7, of the printed bill, strike out after the numerals "1913" all the remainder of the line, and also strike out all of lines 8, 9, 10, 11, 12, and 13.

Amendment adopted.

Also:

On page 3, Section 10, line 14, of the printed bill, strike out the words "Comptroller of the State", and insert in lieu thereof the words "State Controller".

Amendment adopted.

Also:

On page 3, Section 10, line 14, of the printed bill, insert after the word "authorized" the words "and directed".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the milled, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 2, line 2, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "ten".

Amendment adopted.

Also:

On page 2, Section 2, lines 7 and 8, of the printed bill, strike out the words "directors of the State Agricultural Society", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacra-

mento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title of the printed bill, and insert in lieu thereof the following: "Providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor."

Amendment adopted.

Also:

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following:

"Section 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to erect a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California."

Amendment adopted.

Also:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for said sum of ten thousand dollars in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 5, of the title, the words "and to build an addition".

Amendment adopted.

Also:

Strike out line 6, of the title, and strike out of line 7, of the title, the words "providing for its equipment".

Amendment adopted.

Also:

On page 1, section 1, line 8, of the printed bill, strike out the words "and for the construction of an addition", and strike out the remainder of the section.

Amendment adopted.

Also:

On page 2, Section 2, line 2, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 2, Section 2, lines 6 and 7, of the printed bill, strike out the words "directors of the State Agricultural Society", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, lines 6 and 7, of the printed bill, strike out the following words: "directors of the State Agricultural Society", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted, under suspension of the rules, Senate Joint Resolution No. 24—Relative to recognition of American passports in foreign nations.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Joint Resolution No. 24 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Senate Bill No. 25 for consideration, out of order.

Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation"; providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 25 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Larkins, Martinelli, Regan, Shanahan, Stetson, Walker, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Senate Bill No. 355 for consideration, out of order.

Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Cannette, Campbell, Cartwright, Curtin, Cutton, Estudillo, Gates, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Turrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Campbell:

Resolved, That Senators having proposed bills, to amend the County Government Act, be and they are hereby requested to send same to the chairman of the Committee on County Government, on or before Tuesday, March 7, 1911.

Resolution read and adopted.

By Senator Boynton:

Resolved, That the Secretary of the Senate be, and he hereby is, instructed to prepare a special file of one bill for each Senator, said special file to be considered at eight o'clock P. M. of each day from and after Wednesday, March 8, 1911.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred to election contest of *Thos. M. Searey vs. Daniel P. Reagan*, have had the same under consideration, and beg to report as follows: The election contest has been withdrawn by the petitioner, Thos. M. Searey, and we therefore respectfully recommend that no further proceedings be taken.

Included herein are the papers on the contest. Also the report of the subcommittee of the elections and election laws to the said committee.

ESTUDILLO, Chairman.

Report read and adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Assembly Bill No. 1106 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 633—An Act to supplement an Act known as the San Diego Seawall Act of 1909, approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WELCH, Chairman.

Senate Bill No. 633 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as hog cholera in hogs in the State of California, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto, have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

REGAN, Chairman.

Assembly Bill No. 975 ordered re-referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 121—An Act making an appropriation to pay for repairing, painting, and repainting the administration building and the east and west cottages at the Preston School of Industry.

Also: Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 234—An Act authorizing and directing the re-flooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home and making an appropriation therefor.

Also: Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Assembly Bills Nos. 88, 121, 85, 90, 93, 234, 581, and 955 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions, and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 648 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 164—An Act to establish the California State Reformatory, to provide for the purchase of land therefor, construction of buildings, transfer of prisoners, the equipment, conduct, and management thereof and to make an appropriation therefor.

Also: Senate Bill No. 450—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California and to make appropriations therefor.

Also: Senate Bill No. 642—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles, California.

Also: Senate Bill No. 923—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Assembly Bill No. 1153—An Act to provide for the improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also: Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Also: Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Finance.

WOLFE, Chairman.

Senate Bills Nos. 164, 450, 642, and 923 ordered re-referred to Committee on Finance.

Assembly Bills Nos. 288, 615, 616, 1153, 1154, 1376 and 1379 ordered re-referred to Committee on Finance.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide

for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act" - have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 1006 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 905 -An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Also: Senate Bill No. 906 -An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendments relating to elections in such sanitary districts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HURD, Chairman.

Senate Bills Nos. 905 and 906 ordered on file for second reading.

Assembly Bill No. 989 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1150 -An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Also: Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HURD, Chairman.

Senate Bills Nos. 1150 and 1173 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1237—An Act to amend section four hundred ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 1237 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Gates offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

SENATOR AVEY IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Senator Avey, of the Thirtieth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Assembly Bill No. 833 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land istricts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

By striking out all of Section 13, on page 10, of the printed bill, and insert in lieu thereof the following:

"Section 13. Section 3463 of the Political Code of the State of California is hereby amended to read as follows:

3463. From and after the filing of the list or certified copy thereof with the treasurer, the charges assessed upon any tract of land within the county shall constitute a lien thereon and shall impart notice thereof to all persons. No subsequent act or conduct of the trustees shall invalidate said assessment or lien, but such trustees may be compelled by mandate, or other proper proceeding, to perform their duties as required by law."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT. Your special committee of one, to whom was referred Assembly Bill No. 833, with instructions to amend, respectfully reports the same back, amended as per instructions.

TYRRELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 1013 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

Amend the title to read as follows: "An Act to amend section twelve hundred and three of the Penal Code of the State of California, relating to the probation of

persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation."

Also: On page 1, Section 1, line 1, of the printed bill, after the word "Code", insert the following: "of the State of California".

Also: On page 1, Section 1, line 5, after the word "party", insert the following: ", or of its own motion."

Also: On page 1, Section 1, line 6, after the comma following the word "view", insert the following: "either in aggravation or mitigation of the punishment."

Also: On page 1, Section 1, lines 6 and 7, strike out "or of its own motion."

Also: On page 2, Section 1, line 35, after the word "charge", insert "and supervision".

Also: On page 2, Section 1, line 36, after the word "charge", insert "and supervision".

Also: On page 3, Section 1, line 55, strike out the word "his", and in lieu thereof insert "its".

Also: On page 3, Section 1, line 64, strike out the following: "at any time".

Also: On page 3, Section 1, line 65, after the word "sentence", insert the following: "for any time".

Also: On page 4, Section 1, line 90, strike out the word "and", and in lieu thereof insert the following: "; and in either case".

Also: On page 4, Section 1, line 112, strike out the word "criminal".

Also: On page 4, Section 1, line 113, after the word "jurisdiction", insert the following: "of criminal actions".

Also: On page 4, Section 1, line 122, after the word "if", insert the word "any".

Also: On page 4, Section 1, line 124, after the word "complete", insert "and accurate".

Also: On page 4, Section 1, line 124, strike out the comma.

Also: On page 5, Section 1, lines 140 and 141, strike out the following: ", unless the court has done so."

Also: On page 5, Section 1, line 143, after the comma following the word "probation", insert the following: "unless such statement has been furnished by the court."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1013, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 19 thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Assembly Bill No. 510 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 615 for consideration out of order, for the purpose of amendment.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating

to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobridge, as a special committee of one, to amend as follows:

On pages 1 and 2, Section 1, of the printed bill, strike out all of lines 8, 9, 10, 11, 12, 13, 14, 15 and 16, and, in lieu thereof, insert the following: "the county auditor shall give ten days' notice in some newspaper published in the county, or if none is published therein then by written notice posted upon the court house door, that such excess will be paid to the persons entitled thereto upon demand to the county auditor, and the said county auditor, upon such demand being made, must draw his warrant for the amount of excess taxes in favor of the person from whom the collection was made, and such warrant shall be paid by the county treasurer upon presentation; *provided, however*, that if demand is not made for such excess taxes within two years after such publication or posting of said notice such taxes shall be apportioned in the manner as if no excess taxes had been collected."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 615, with instructions to amend, respectfully reports the same back, amended as per instructions.

• STROBRIDGE, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 13 for consideration, out of order.

Senate Bill No. 13. An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 6 for consideration, out of order.

Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitu-

tion of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the state school fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senator Avey, Bell, Bills, Boynton, Bryant, Campbell, Cartwright, Curtin, Gates, Hans, Hewitt, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 16 for consideration, out of order.

Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code of the State of California, relating to the State High School Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 1052 for consideration, out of order.

Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustained net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1052 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Hans, Hewitt, Juilliard, Larkins, Regan, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 735 for consideration, out of order.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES. Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Juilliard, Regan, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE TO AMEND TITLE.

Senator Curtin moved to refer to Senator Martinelli, as a special committee of one, to amend Senate Bill No. 735 as follows:

By striking out of the title the second word "to", and inserting in lieu thereof the following: "by".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 735, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Birdsall was, on motion of Senator Bell, granted leave of absence until Monday, March 6, 1911.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Regan asked for, and was granted, unanimous consent to take up Senate Bill No. 978 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Regan moved to refer to Senator Larkins, as a special committee of one, to amend as follows:

By striking out all following the enacting clause thereof, and insert in lieu the following:

"Section 1. Section seventeen hundred and ninety-three of the Political Code of the State of California, is hereby amended to read as follows:

1793. (1) The holders of city, or city and county, certificates, are eligible to teach in the cities, or cities and counties, in which such certificates were granted, in schools or classes of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination, or other causes, as mentioned in section seventeen hundred and ninety-one of this Code, duly constituted and approved by the boards of education of such cities, or cities and counties.

(2) City superintendents of public schools, elected by city boards of education, shall be elected for a term of four years, and said city boards of education shall have full power to fix the salary of all employees.

(3) The holders of special city, or city and county, certificates are eligible to teach the special branches mentioned in their certificates, in the grades of all the schools in the city, or city and county, in which such certificates were granted, corresponding to the grade of said special certificates, and when elected or assigned shall be dismissed or removed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this Code, duly constituted and approved by the boards of education of such cities, or cities and counties."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 978, with instructions to amend, respectfully reports the same amended as per instructions.

LARKINS, Committee.

MOTION.

Senator Thompson moved the further consideration of the report of special committee of one be postponed, and that the proposed amendment be printed in the Journal, the bill to retain its place on file.

Motion carried.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, March 4, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Arcey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Rev. Father William Hughes, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 3, 1911, the further reading was dispensed with, on motion of Senator Thompson.

LEAVES OF ABSENCE.

Senator Rush was, on motion of Senator Tyrrell, granted leave of absence for this day.

Senator Tyrrell was, on his own motion, granted leave of absence for Monday, March 6, 1911.

Senator Curtin was, on motion of Senator Roseberry, granted leave of absence for this day.

Senator Strobbridge was, on motion of Senator Stetson, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Lewis was, on motion of Senator Holohan, granted leave of absence for this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the question, "Shall the Senate concur in the Assembly amendments to Senate Bill No. 306?" the same was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 306?"

On page 1, line 10, of the printed bill, after the word "law", omit the period and insert a comma, followed by the words "together with the names certified by the Secretary of State to have received in the respective parties, the highest number of votes for United States Senator."

Also: On page 3, line 11, of the printed bill, omit the word "officers", and place in lieu thereof the word "offices".

Also: On pages 3 and 4, of the printed bill, omit lines 19 to 23 inclusive, and insert in lieu thereof the following:

"The order in which the list of candidates for any office shall appear upon the ballot which shall be determined as follows:

1. If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged, *provided, however*, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the voter may vote for the whole of such group by stamping one cross (X) at the right of such group.

2. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in Section 23 of the primary election law the Secretary of State shall

certify and transmit the list of candidates for each office in each of the several districts, in the order of arrangement as determined by the above provisions, and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Based on the office of State Senator or Assemblyman, the order in which the names of candidates shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and be certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided* that in any county or city and county containing more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the list preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office, in any city or town where a mayor does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Also: On page 4, line 36, of the printed bill, omit the words "for him."

Also: On page 4, line 41, of the printed bill, after the word "officers", insert the words "and school officers".

Also: On page 4, of the printed bill, line 50, omit the words "upon the list of", also omit lines 51, 52, 53, 54, 55, 56, and the two lines words and the period following, in line 57. In place of the above, substitute the following:

"Each group of candidates to be voted on shall be headed by the designation of the office and the words 'Vote for One' or 'Vote for Two' or more. The number to be elected to such office, such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced Gothic type not smaller than ten point. The word or words designating the office shall be printed above the left-hand margin and the words 'Vote for One' or 'Vote for Two' or more, as the case may be, shall extend to the extreme right of the column and over the ruling square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line."

Also: On page 4, line 67, of the printed bill, after the word "offices", insert the words "and school officers".

Also: On page 5, line 84, of the printed bill, at the end of subdivision 4, add the following:

"Each series of the list of candidates for the several offices shall be headed by the word 'State', 'Congressional', 'Legislative', 'County', or 'Municipal' or other proper general classification, as the case may be, printed in heavy faced Gothic capital type not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line."

Also: On page 5, line 87, of the printed bill, omit the word "one-eighth", and insert in lieu thereof "one-twelfth".

Also: On page 8, line 186, of the printed bill, omit the word "The" at the beginning of the line and insert in lieu thereof "Except as to the order of the names of candidates, the".

Also: On the printed ballot, pasted between pages 8 and 9 of the printed bill, make the following changes:

(1) Reduce the width of the printed lines to one-twelfth of an inch, as provided for in Amendment No. 8.

(2) Strike out the word "For" before the title of each office, and print the title of the office and the words "Vote for One", etc., as is provided in amendment No. 6.

(3) Under "Superintendent of Public Instruction", omit the words "Democrat", "People's Party", "Prohibition", and "Socialist", opposite the names of the respective candidates.

(4) Omit the words "Superintendent of State Printing", and place in lieu thereof the words "United States Senator".

(5) Above the space entitled "Governor", insert the word "State"; above the space entitled "United States Senator", insert the word "Congressional"; above the space entitled "State Senator", insert the word "Legislative"; above the space entitled "For Judges of the Superior Court", insert the word "County"; all as provided in amendment No. 8.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hewitt, Hurd, Larkins, Regan, Shanahan, Thompson, Tyrrell, and Walker—18.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and thirty-five minutes A. M., Senator Holohan was brought to the bar of the Senate, and, on motion of Senator Boynton, he was excused for absence from the Senate Chamber.

At ten o'clock and thirty-seven minutes A. M., Senator Beban was brought to the bar of the Senate, and, on motion of Senator Boynton, he was excused for absence from the Senate Chamber.

At ten o'clock and forty minutes A. M., Senator Hare was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At ten o'clock and forty-one minutes A. M., Senator Stetson was brought to the bar of the Senate, and, on motion of Senator Boynton, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and forty-four minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 306 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, and Walker—24.

NOES—None.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 737—An Act to amend Section 3 of an Act entitled "An Act to amend sections three, five, six and ten of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889," approved March 24, 1893.

Also: Senate Bill No. 676—An Act to amend section thirteen hundred thirteen of the Civil Code of the State of California, relating to devise or bequests by will.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 737 and 676 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also: Senate Bill No. 1185—An Act to amend section one hundred and ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 1061 and 1185 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States, have had the same under consideration, and respectfully report the same back and recommend that the same do not pass.

STETSON, Chairman.

Assembly Bill No. 241 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 687 read first time, and ordered referred to the Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18 and 19, and by adding a new section thereto, to be numbered 26.

Also: Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Also: Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Also: Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Also: Assembly Bill No. 836—An Act to amend chapter 107 of the general laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

Also: Assembly Bill No. 841—An Act to amend section twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Also: Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Also: Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund and also to provide for payment of interest received into the State School Fund," approved February 22, 1909.

Also: Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 292—An Act to amend Section 103 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 380—An Act to amend Section 102 of the Code of Civil Procedure, relating to justices of the peace.

Also: Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve and thirteen of said Act.

Also: Assembly Bill No. 477—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 114a, 114b and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Also: Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1089, 1107, 1195, 1079, 1011, 789, 836, 841, 1078, 1080, 140, 162, 292, 380, 476, 477, and 1094 read first time.

Assembly Bills Nos. 1089 and 292 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 1107 ordered referred to Committee on Roads and Highways.

Assembly Bills Nos. 1195 and 162 ordered referred to Committee on County Government.

Assembly Bills Nos. 1079, 1011, 841, 1078, 1080, 140, 380, 476, 477, and 1094 ordered referred to Committee on Judiciary.

Assembly Bill No. 789 ordered referred to Committee on Irrigation.

Assembly Bill No. 836 ordered referred to Committee on Labor, Capital and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 30—An Act to appropriate money to erect a building for the training department of the San Jose State Normal School.

Also: Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1275a, relating to the abandonment of condemnation proceedings and providing for such other such abandonment.

Also: Senate Bill No. 36—An Act appropriating the sum of one thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary lime, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Sections 1187d and Section 1187e, relating to liens of mechanics and others.

Also: Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Also: Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and designated Section 2185e, relating to arrest, hearing and commitment of prostitutes and drug habitués to a state hospital for the insane.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

L. B. MAILLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 30, 52, 36, 646, 665, 721, 55 and 647 ordered to enrollment.

CONSIDERATION OF DAILY FILE--THIRD READING OF SENATE BILLS.

Senate Bill No. 894—An Act to amend Sections 1950 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 894 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Cannatta, Campbell, Cassidy, Hans, Hewitt, Hololan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, and Walker—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit the asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

On motion of Senator Hurd, Senate Bill No. 959 was temporarily passed on file, to retain its place.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1147 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutton, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, and Walker—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1140 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 988 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

On motion of Senator Thompson, Senate Bill No. 912 was temporarily passed on file, to retain its place.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads,

highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers." approved April 28, 1909

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 955 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1058 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—24

NOES—None.

AMENDMENT TO TITLE.

Senator Campbell moved to amend the title of Senate Bill No. 1058 as follows:

By striking out the period after the word California, and inserting in lieu thereof the following: a comma and the words "relating to the duties of constables."

Amendment adopted.

Bill ordered to print, reëngrossment, and transmitted to Assembly

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School building at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park, in Santa Cruz County, California, and making an appropriation therefor.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 181, 208, 209, 212, 771, 1086, and 1160 ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

On motion of Senator Thompson, Senate Bill No. 1098 was passed, to be placed at the foot of the file.

Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1127 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hale, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Senate Bill No. 490 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 571 was passed, to be placed at the foot of the file.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24,

1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

On motion of Senator Hewitt, Senate Bill No. 897 was passed, to be placed at the foot of the file.

Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 917 was passed, to be placed at the foot of the file.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven, and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1096 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Cannetti, Campbell, Cassidy, Gates, Harc, Hewitt, Holohan, Hurd, Larkins, Regan, Roscherry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

On motion of Senator Walker, Senate Bill No. 703 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Senate Bill No. 266 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

On motion of Senator Avey, Senate Constitutional Amendment No 38 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILLS.

Senator Beban asked for, and was granted, unanimous consent to withdraw Senate Bill No. 760—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1923½ and 1934½, all relating to the organization, equipment, maintenance and government of the National Guard of the State of California.

Also:

Senate Bill No. 895—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Senate Bills Nos. 760 and 895 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF BILL.

Senator Sanford asked for, and was granted, unanimous consent to withdraw Senate Bill No. 158—An Act to repeal Section 626g of the Penal Code, relating to the tree squirrel.

Senate Bill No. 158 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

Senate Bill No. 653 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

On motion of Senator Regan, Senate Bill No. 978 was temporarily passed on file, to retain its place.

Senate Bill No. 1146—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Senate Bill No. 1146 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Avey, Reban, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Senate Bill No. 747 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367c.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 502 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—24.

NOES—None.

AMENDMENT TO TITLE.

Senator Wright moved to amend the title to Senate Bill No. 502 as follows:

By adding after the figures and letter "367d", the following: "defining certain misdemeanors".

Amendment adopted.

Bill ordered to print, reëngrossment, and transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

On motion of Senator Bills, Senate Bill No. 1067 was passed, to be placed at the foot of the file.

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

On motion of Senator Bills, Senate Bill No. 1068 was passed, to be placed at the foot of the file.

Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Senate Bill No. 980 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Senate Bill No. 981 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Senate Bill No. 982 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

On motion of Senator Beban, Senate Constitutional Amendment No. 48 was temporarily passed on file, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Senate Bill No. 572 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of

this Act," approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 772 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Boynton, Bryant, Campbell, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

On motion of Senator Regan, Senate Bill No. 611 was temporarily passed on file, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

On motion of Senator Finn, Senate Bill No. 1076 was temporarily passed on file, to retain its place.

Senate Bill No. 1030 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1030 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 13.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1132 was temporarily passed on file, to retain its place.

Senate Bill No. 1133 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1133 was temporarily passed on file, to retain its place.

Senate Bill No. 1155—An Act entitled "An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1155 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1194 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Howitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Thompson, and Walker—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Senate Bill No. 1008 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

On motion of Senator Thompson, Senate Bill No. 936 was temporarily passed on file, to retain its place.

SENATE CONCURRENT RESOLUTION No. 12.

Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

WHEREAS, The city of Palo Alto, in the county of Santa Clara, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year 1909, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 21st day of January, A. D. 1909, and approved by the Legislature of the State of California on the 20th day of February, 1909 (Statutes of 1909, page 1175); and

WHEREAS, The city council of the said city of Palo Alto did by ordinance duly adopted by said city council and approved by the mayor of said city on the 22d day of November, 1910, and pursuant to Section 8, of Article 11 of the Constitution of the State of California, duly propose to the qualified electors of said city of Palo Alto, certain amendments to the charter of said city of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the first day of February, 1911; said amendments being sixteen in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Palo Alto, and having a general circulation therein, to wit: The Daily Palo Alto Times; said publication beginning on the 23d day of November, 1910, and ending the 16th day of December, 1910; and

WHEREAS, The city council of said city did by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Palo Alto on the first day of February, 1911, said day being at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Palo Alto, to wit: The Daily Palo Alto Times, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, and alternative amendments numbers 3, 4 and 5, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said first day of February, 1911, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify ten of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Palo Alto in accordance with the law in such cases made and provided, did meet on Wednesday, the 8th day of February, 1911, at their usual time and place of meeting, and duly canvassed the

returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified ten of said proposed amendments to the charter of said city of Palo Alto; and

WHEREAS, The council of the city of Palo Alto are in doubt as to the legality of the ratification and adoption of amendment number seven, owing to an error in the instructions to voters on said specific amendment number seven; therefore said amendment number seven is herein set forth as a distinct and separate amendment for the consideration of the Legislature without prejudice to the nine other amendments herein set forth;

That said amendment number seven is in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER SEVEN.

Section 7 of Article 9 of the charter of the city of Palo Alto shall be amended to read as follows:

No member of the council shall hold any office or employment the compensation for which is paid out of municipal moneys; or be elected or appointed to any office created, or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

WHEREAS, The said nine subsequent amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER EIGHT.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 10, and to read as follows:

Section 10. In the creation, improvement and repair of all public buildings and works, in all street and sewer work, done under and by authority of the laws of the State of California creating a bonded indebtedness of the municipality, or done under and by authority of any of the street laws of the State of California, which laws are hereby made a part of this charter, the work shall be let to the lowest responsible bidder; *provided, however,* the council may reject any and all bids if deemed excessive, and readvertise for bids or provide for the work to be done by the department of public works.

In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

When the estimate of the cost of said work by the city engineer shows that said work can be done for an equal or less cost than that of the lowest bid, then any of the work herein mentioned may be done by the department of public works, and the said department shall be deemed the contractor, with the right to enforce all liens, and with the same powers, rights, duties and obligations as are made and provided by the laws of the State for contractors who have entered into contracts to do such work as the lowest responsible bidder.

The council shall have power to adopt ordinances for the purpose of carrying out these provisions and such ordinances shall be supplemental to the existing laws of the State, and shall have the same force and effect.

CHARTER AMENDMENT NUMBER NINE.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 11, and to read as follows:

Section 11. Upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, the council shall have the power by ordinance to require, or provide, or adopt general law or laws for the planting, maintenance, or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provisions for the enforcement of such liens by the sale of property or otherwise.

CHARTER AMENDMENT NUMBER TEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 12, and to read as follows:

Section 12. The council shall have power, by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost of same a lien or charge against the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.

CHARTER AMENDMENT NUMBER ELEVEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 13, and to read as follows:

Section 13. The council shall have power, by ordinance, to require or provide for the removal from property, lands, or lots, all weeds, rubbish or other material which

may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien or charge upon such property, lands, or lots, or otherwise.

CHARTER AMENDMENT NUMBER TWELVE.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 14, and to read as follows:

Section 14. The council shall have the power, by ordinance, to enforce the laying of sewer, water or gas pipes, or other mains or conduits on streets to be improved before the same are improved; and to require the owners of real property fronting upon any street, lane, alley, or other public place, in which there are or in which it is proposed to be constructed, sewer, water or gas pipes, or other mains or conduits, to connect their several premises therewith, or to cause such connection to be made, and to make the cost of same a lien upon the property so connected, and to make provision for the enforcement of such lien by the sale of property or otherwise.

CHARTER AMENDMENT NUMBER THIRTEEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 13a, and to read as follows:

Section 13a. The city of Palo Alto shall have the power to repair or improve all streets or avenues in said city upon which street railway tracks are laid between the rails of said tracks and for two feet on either side thereof, said city shall also have the power to repair all excavations made in streets by any public service corporation, company or person.

All said work done by the city on account of street railways or excavations to be a lien upon any property of the corporation, company or person on whose account the work is done.

The person, company or corporation owning or operating any street railway in said city shall pay to the city one third of the annual cost of watering, oiling, or otherwise treating such streets for laying dust thereon.

The council shall have power to adopt ordinances for the purpose of carrying out and enforcing this provision.

CHARTER AMENDMENT NUMBER FOURTEEN.

Article 8 of the charter of the city of Palo Alto shall be amended by adding a new section thereto, to be known as Section 4, and to read as follows:

Section 4. The majority vote of the electors required to pass an initiative ordinance, as provided by Section 2 of this article, shall be not only a majority of the votes cast on the ordinance, but shall be an affirmative vote on such ordinance equal to a majority of the total number of those cast at the last preceding general municipal election.

CHARTER AMENDMENT NUMBER FIFTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 8, and to read as follows:

Section 8. The judge of said police court shall have power to administer oaths, take and certify affidavits in the same manner and like effect as justices of peace. He shall have and use a seal, on which shall be engraved the arms of the State and the words: "Judge of the Police Court of the City of Palo Alto."

He shall have power to issue warrants, writs and summons in all respects as if issued by the justice of peace.

Any warrant, writ or summons issued out of said court may be served in any county of the State provided that there is attached to it a certificate under seal by the county clerk of Santa Clara County to the effect that the person issuing same was the acting judge of said court at the time of the issuance of said process.

Any justice of peace of Palo Alto township shall possess the same powers herein conferred upon the police court of said city, and in case of the disability or absence, or upon the request of the judge of said court, shall act as judge of said court; but the authority herein conferred upon said justice of the peace shall not be construed as impairing, reducing or taking from the police judge any right, power or jurisdiction vested in him.

CHARTER AMENDMENT NUMBER SIXTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 9, and to read as follows:

Section 9. The chief of police shall be appointed by the board of public safety. He shall have the same powers that are now, or may be hereafter conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection. He shall serve, and is hereby authorized to execute and return all processes, both civil and criminal, issued and directed to him by any legal authority; and

WHEREAS, The said proposed amendments to the charter of the city of Palo Alto so ratified are now submitted to the Legislature of the State of California.

for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the Constitution of the State of California.

STATE OF CALIFORNIA,
COUNTY OF SANTA CLARA, } ss.
CITY OF PALO ALTO. }

This is to certify that we, Charles B. Wing, mayor of the city of Palo Alto, and Frank Kasson, clerk of the city of Palo Alto, have compared the foregoing proposed and ratified amendments to the charter of the city of Palo Alto, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Wednesday the first day of February, 1911, and find that the foregoing is a full, true, correct and exact copy thereof and of each of them, and we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of is true, save and excepting, that as to amendment number seven, hereinbefore separately set forth, Charles B. Wing, as mayor of said city, refuses to certify said amendment number seven as having been duly and legally adopted at said election by the voters of said city of Palo Alto, on the ground that said electors were misled in casting their vote on said amendment number seven by reason of the fact that in the "Instructions to Voters" an error was made as to said amendment number seven only at said election; that this reservation or refusal to certify as to amendment number seven is made without prejudice to amendments numbers eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen hereinbefore set forth;

That as to all of said amendments, except amendment number seven, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of the city of Palo Alto to be attached this 9th day of February, 1911.

[SEAL]

CHAS. B. WING,
Mayor.

FRANK KASSON,
City Clerk of the City of Palo Alto.

AND WHEREAS, The said ten amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said Section 8 of Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of the city of Palo Alto hereinbefore set forth as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to the said charter of said city of Palo Alto.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, and Walker—24.

NOES—None.

Senate Concurrent Resolution No. 12 ordered engrossed, and transmitted to the Assembly.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a Superintendent of Public Instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

On motion of Senator Thompson, Senate Constitutional Amendment No. 36 was temporarily passed on file, to retain its place.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

On motion of Senator Hurd, Senate Bill No. 875 was temporarily passed on file, to retain its place.

Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 617 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Camiretti, Campbell, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roscherry, Sanford, Shanahan, Stetson, Thompson, and Walker 24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections, to be numbered Section 654b and Section 654c, prohibiting any person, firm or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

On motion of Senator Bills, Senate Bill No. 791 was temporarily passed on file, to retain its place.

Senate Bill No. 1153—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 391.

On motion of Senator Shanahan, Senate Bill No. 1153 was temporarily passed on file, to retain its place.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Senate Bill No. 1171 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Senate Bill No. 954 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

SUSPENSION OF RULES.

Senator Campbell moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego.

On motion of Senator Wright, Senate Bill No. 493 was temporarily passed on file, to retain its place.

Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 961 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

On motion of Senator Cassidy, Senate Bill No. 1063 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS.

On motion of Senator Stetson, the second-reading file of Senate bills was taken up for consideration.

WITHDRAWAL OF BILL.

Senator Caminetti asked for, and was granted, unanimous consent to withdraw Senate Bill No. 764—An Act to add a new section to the Penal Code of the State of California, to be known and numbered 439a, making it a misdemeanor for any unauthorized person to solicit, procure or obtain any risk for any insurance company, or association.

Senate Bill No. 764 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

During second reading of the bill, the following amendment was offered by Senator Hurd:

In line 6, of the printed bill, after the figures "74," strike out the rest of the bill and insert in lieu thereof the following: "Whenever it shall appear to the county superintendent of schools of any county of the first class by affidavit or other information furnished by the board of education or board of trustees of any school district, that the parent or guardian or other person having charge or control of a whole or half-orphan or neglected child in said school district, between the age of eight and fourteen is unable, because of poverty, to provide for the necessary food and clothing for the proper attendance at school of such child, or is an invalid and is unable to provide the necessary food and clothing for the proper attendance at school of such child, said superintendent of schools is hereby authorized to pay from the unapportioned county school fund a sum not to exceed three dollars per week during the continuance of said poverty or other cause and only during the session of school in any such school district.

At the end of each school year any moneys so expended for the purpose as hereinbefore stated, shall be replaced by an appropriation made by the superintendent of schools from the unapportioned county school funds of a county of the first class."

MOTION.

Senator Thompson moved the further consideration of the proposed amendment be postponed, and the proposed amendment be printed in the Journal, the bill to retain its place on file.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1153 for consideration, out of order.

Senate Bill No. 1153—An Act to add a new section to the Code of Civil Procedure to be numbered Section 391.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1153 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR THOMPSON IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Senator Thompson, of the Thirty-fifth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cassidy asked for, and was granted, unanimous consent to take up Senate Bill No. 1063, for consideration, out of order.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1063 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—24.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—have had the same under consideration, and respectfully report the same back with amendments, and without recommendation.

STETSON, Chairman.

Senate Constitutional Amendment No. 15 ordered on file.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BILLS, Chairman.

Assembly Bill No. 965 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation

therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to Committee on Finance.

REGAN, Chairman.

Assembly Bill No. 821 ordered re-referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1911

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35 and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be known and designated as Sections 54 and 55, relating to proceedings to effect local improvements, have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HURD, Chairman.

Senate Bill No. 1217 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Beban offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two *a*, providing for an engineer, inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, of the printed bill, strike out the words "three thousand", and insert in lieu thereof the words "twenty-four hundred".

Amendment adopted.

Also:

On page 1, Section 1, line 8, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

On page 1, Section 1, line 9, of the printed bill, strike out the words "nine hundred", and insert in lieu thereof the words "seven hundred and twenty".

Amendment adopted.

Also:

On page 1, Section 1, lines 9 and 10 of the printed bill, strike out the words "gardener, one thousand dollars a year".

Amendment adopted.

Also:

On page 1, Section 1, lines 10 and 11, of the printed bill, strike out the words "trackman, nine hundred dollars a year".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

Senate Bill No. 453 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, of the printed bill, after the word "by" at the end of the line, add the words "a pledge of".

Amendment adopted.

Also:

On page 1, Section 1, line 8, of the printed bill, after the word "certificate", strike out the words "the dues on which shall be payable monthly, with the periodical loan payments during the life of the loan", and insert in lieu thereof the following: "which must remain in force during the life of the loan".

Amendment adopted.

Also:

On page 1, Section 1, line 10, of the printed bill, strike out the word "such" at the beginning of the sentence, and insert in lieu thereof the words "definite contract".

Amendment adopted.

Also:

On page 2, Section 2, line 5, of the printed bill, after the word "having", strike out the words "a marketable cash", and insert in lieu thereof the words "an appraised".

Amendment adopted.

Also:

On page 3, Section 2, line 11, of the printed bill, strike out the word "made", at the beginning of the line, and insert in lieu thereof the word "may".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 10, of the printed bill, before the word "ultimate" at the beginning of the line, add the word "matured".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909,

by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 3 of the title, strike out the comma after the word "forty-six", and strike out the word "sixty-one".

Amendment adopted.

Also:

After the word "State", in line 8, page 1, Section 46, strike out the period and insert in lieu thereof a semicolon and the following clause: "*Provided*, that the total amount of bonds of any sewer or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county.

Amendment adopted.

Also:

Strike out all of Section 2, which includes Section 61.

Amendment adopted.

Also:

After the word "State" in line 12, Section 67, page 4, strike out the period and insert in lieu thereof a semicolon and the following clause: "*Provided*, that the total amount of bonds of any sewer or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Senate Bill No. 738 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the words "said inheritance tax appraiser together with either of the other of said", and insert in lieu thereof the following: "any two of which".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "sale", and in lieu thereof insert the word "sole".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Senate Bill No. 466 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Sections 1, 2, 3, 4 and 5, and insert in lieu thereof the following:

SECTION 1. Whenever in the judgment of the board of supervisors of any county, it shall be deemed advisable in the interests of commerce, or for the benefit of the residents of said county, or for the purpose of expediting travel between points on opposite sides of any navigable stream or body of water, to build and construct tubes, tunnels or subways under such navigable streams or bodies of water for the public use, at such point or place under said navigable stream or body of water as shall be determined upon by the said board of supervisors, the said board of supervisors must call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing said tube, tunnel or subway. The order calling such election shall be valid and effectual when signed by two thirds of said board of supervisors, and said election shall be held and said bonds issued, in accordance with the terms and provisions of Title II, Part 4 of the Political Code of the State of California.

SEC. 2. The board of supervisors of any county in this State may, for the purpose of ascertaining the probable cost of any proposed tube, tunnel or subway, expend out of the General Fund of said county not otherwise appropriated, a sum not exceeding thirty-five hundred dollars, *provided* that when any such proposed tube, tunnel or subway shall reach partly in one county and partly in another, said counties shall jointly divide the expenditure necessary to ascertain the probable cost of any such proposed tube, tunnel or subway, not exceeding in the aggregate the sum of thirty-five hundred dollars.

SEC. 3. Whenever any such tube, tunnel or subway is proposed to be built or constructed under navigable streams or waterways forming the dividing line between counties, the boards of supervisors of each of the counties into which any of such tubes, tunnels or subways will reach shall first agree as to what portions of the cost of such tubes, tunnels or subways shall be paid by each of said counties, and thereafter the boards of supervisors of each of such counties shall have power to take such proceedings as they may deem proper under Section 1 of this Act, *provided* however that no such tube, tunnel or subway shall be built or constructed under navigable streams or waterways forming the dividing line between counties, unless all the counties into which such tubes, tunnels or subways reach shall first authorize that same work be done and bonds therefor issued in the manner provided in Section 1 of this Act.

SEC. 4. Whenever any such tube, tunnel or subway, or any part thereof, shall reach within the limits of any incorporated town, or city, or city and county, and the governing body of each of such incorporated towns, or cities, or cities and counties, and the board of supervisors of the county in which such incorporated towns, or cities, are situated shall first so agree, the board of supervisors shall have the power to call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing such tube, tunnel or subway in the manner prescribed in Section 1 of this Act, *provided* however that in the event of such bonds being authorized and sold, the construction of such tubes, tunnels or subways shall be under the direction and control of a commission on which is hereby created, consisting of the chairman of said board of supervisors and the mayor of each of such incorporated towns, cities, or cities and counties, within the limits of which such tube, tunnel or subway, or any part thereof, shall reach.

SEC. 5. This Act shall take effect immediately.

Amendment adopted

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 625—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 964—An Act to add a new section to the Penal Code,

to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof.

Senate Bill No. 964 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 633—An Act to supplement an Act known as the "San Diego Seawall Act of 1909," approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

Senate Bill No. 633 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, in title, line 17, strike out the words "to repeal".

Amendment adopted.

Also:

On page 1, in title, line 19, after the word "all", insert the following: "amendments thereto and all".

Amendment adopted.

Also:

On page 2, Section 1, line 8, after the word "intestate", insert the following: "or homestead".

Amendment adopted.

Also:

On page 2, line 11, Section 1, strike out the word "therefrom", and insert in lieu thereof the following: "from said property."

Amendment adopted.

Also:

On page 2, line 13, of Section 1, strike out the word "the", and insert in lieu thereof the word "this".

Amendment adopted.

Also:

On page 2, line 17, of Section 1, after the word "sale", insert the word "assignment".

Amendment adopted.

Also:

On page 2, line 18, of Section 1, after the word "made", insert the following: "without valuable and adequate consideration".

Amendment adopted.

Also:

On page 2, line 18, of Section 1, after the word "vendor", insert the word "assignor".

Amendment adopted.

Also:

On page 2, line 20, of Section 1, after the word "death", strike out the following: "or made without valuable and adequate consideration, and purporting to vest the estate, either immediately or in the future, whether or not accompanied by the possession."

Amendment adopted.

Also:

On page 2, line 34, of Section 1, strike out the words "due and".

Amendment adopted.

Also:

On page 5, line 14, of Section 4, strike out the word "twenty-five", and in lieu thereof insert the word "twenty-four".

Amendment adopted.

Also:

On page 5, line 14a, of Section 4, strike out the figures "\$25,000.00", and insert in lieu thereof the figures "\$24,000.00".

Amendment adopted.

Also:

On page 5, line 1, of Section 5, before the word "or", insert the word "devise".

Amendment adopted.

Also:

On page 5, line 10, of Section 5, strike out the word "fourteen", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

On page 7, Section 7, beginning with line 6, strike out the following: "provided, that where any taxable transfer under this Act shall take effect in possession or enjoyment prior to the death of the donor or grantor thereof, then such taxes shall be due and payable when such transfer shall so take effect; and".

Amendment adopted.

Also:

On page 13, line 59, of Section 15, after the word "hereof", insert the following: "upon order of the court having jurisdiction."

Amendment adopted.

Also:

On page 13, line 89, of Section 15, after the word "Act", insert the following: "upon order of the court having jurisdiction."

Amendment adopted.

Also:

On page 15, Section 17, strike out all of subdivision 1, of said section, to wit, beginning with the figure 1 in line 1 of said section and ending with word "penalties" in said section, and also strike out figure "2", in line 24, of said section.

Amendment adopted.

Also:

On page 18, line 2, Section 20, strike out the words "issuing a citation and".

Amendment adopted.

Also:

On page 18, line 3, of Section 20, after the word "seventeen", insert the words "or eighteen".

Amendment adopted.

Also:

On page 18, line 4, of Section 20, after the word "Act" insert the following: "or for taking any proceeding or action to determine the taxability of any transfer within the meaning of this Act, or to secure a fair appraisement of any property taxable under this Act, or for taking any appeal from any order or judgment fixing such tax or determining the taxability of any transfer within the meaning of this Act."

Amendment adopted.

Also:

On page 18, line 5, of Section 20, strike out the words "for services of citation", and in lieu thereof insert the word "therefor".

Amendment adopted.

Also:

On page 18, line 5, of Section 20, after the word "and", insert the word "for".

Amendment adopted.

Also:

On page 19, after line 8, of Section 22, strike out the italicized words "*County treasurer's commissions*."

Amendment adopted.

Also:

On page 19, after line 8, of Section 22, strike out the italicized words "*County treasurer to employ special attorney—Compensation*."

Amendment adopted.

Also:

On page 21, line 19, of Section 27, after the period following the word "Act" add the following:

"The words 'contemplation of death' as used in this Act shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in no wise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person in making a gift *causa mortis*; and it is hereby declared to be the intent and purpose of this Act to tax any and all transfers which are made in lieu of or to avoid the passing of the property transferred by testate or intestate law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 905—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 906—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexa-

tion of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 9, after the word "Section", strike out the figure "5", and insert in lieu thereof the figures "4½".

Amendment adopted.

Also:

On page 1, Section 1, line 8, strike out the figure "5", and insert in lieu thereof the figures "4½".

Amendment adopted.

Also:

On page 2, line 11, after the word "districts", insert the following: "for the purpose or purposes of such sanitary or other political district".

Amendment adopted.

Also:

On page 2, line 23, after the word "all", insert the word "such".

Amendment adopted.

Also:

On page 2, line 40, strike out the "comma" after the word "situated", and insert in lieu thereof a "period" and the following words: "said funds upon such transfer shall not be used for any purpose other than that for which it was originally intended".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Senate Bill No. 1173 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read second time, ordered engrossed, and on file for third reading.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cassidy arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Having been unavoidably absent from the Senate Chamber yesterday at the time of the consideration of Senate Bills Nos. 13, 6, 16, 1052, and 735, I wish to announce that I desired to vote for these bills, and would have done so had I been present at the time of said roll calls.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Boynton, the hour of recess was extended fifteen minutes.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Boynton, the second-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

Strike out lines 19, 20 and 21, in Section 1, page 2, of the printed bill, and insert in lieu thereof the following:

"6. The county of Los Angeles shall constitute agricultural district number six.

"7. The counties of San Bernardino, Riverside, Imperial, San Diego, Mono, Inyo, and Orange shall constitute agricultural district number seven".

Amendment adopted.

Also:

In line 2, Section 3, page 2, of the printed bill, strike out the word "seven" and insert in lieu thereof the word "eight".

Amendment adopted.

Also:

In line 5, Section 3, page 2, of the printed bill, strike out the word "constituted", and insert in lieu thereof the word "constituting".

Amendment adopted.

Also:

In line 6, Section 3, page 2, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "eight".

Amendment adopted.

Also:

In line 4, Section 4, page 2, of the printed bill, strike out the word "seven", and insert in lieu thereof the word "eight".

Amendment adopted.

Also:

In line 13, Section 4, page 3, of the printed bill, strike out the words "so that three"; also strike out lines 14 and 15, and all of line 16 down to and including the word "years", and insert in lieu thereof the following: "into four classes of two members each. The term of office of the first class shall expire at the end of the first year, the second class at the end of the second year, the third class at the end of the third year, and the fourth class at the end of the fourth year".

Amendment adopted.

Also:

In line 20, Section 4, page 3, of the printed bill, strike out the period and insert the following: "; provided, that in cases where the boundaries of any agricultural district heretofore formed and now existing under the provision of law are not changed by this Act, the agricultural association heretofore established therein shall

be continued in force and be an agricultural association under this Act, and all officers of any such association now in office under such law shall continue to hold office for the term for which they were appointed".

Amendment adopted.

Also:

In line 21, Section 4, page 3, of the printed bill, after the word "said", insert the words "newly appointed".

Amendment adopted.

Also:

In line 22, Section 4, page 3, of the printed bill, strike out the word "state" and insert the word "result".

Amendment adopted.

Also:

Strike out of lines 23, 24 and 25, Section 4, page 3, of the printed bill, the following: "and of the names of such members of the board as shall hold for two years and such members of the board as shall hold for four years, as hereinabove provided".

Amendment adopted.

Also:

In line 1, Section 5, page 3, of the printed bill, strike out the words "and organized", and insert in lieu thereof a comma and the following: "organized or continued in force under the provisions of this Act".

Amendment adopted.

Also:

In line 4, Section 5, page 3, of the printed bill, strike out the word "numbers", and insert in lieu thereof the word "number".

Amendment adopted.

Also:

In line 8, Section 5, page 3, of the printed bill, strike out the words "to make", and insert in lieu thereof the word "may".

Amendment adopted.

Also:

In line 9, Section 5, page 3, of the printed bill, strike out the word "must", and insert in lieu thereof the word "may".

Amendment adopted.

Also:

On page 2, Section 1, line 11, strike out the word "and" after "Contra Costa", and insert a comma.

Also: On page 2, Section 1, line 11, after the word "Sacramento", insert the following: "and Amador".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Senate Bill No. 151 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second reading of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 208—An Act to authorize the personal representative of James Touhey, deceased, to bring suit against the State of California.

Bill read second time, and ordered on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, after the word "state", insert a comma and the following: "with the advice and consent of the Senate".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

During second reading of the bill, the following amendments were submitted by committee.

On page 1, Section 1, lines 3 and 4, of the printed bill, strike out the words "by the trustees of the Preston School of Industry".

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same".

Amendment adopted.

Also:

Add a new section, to be numbered "3", and to read as follows:

"SEC. 3. This Act shall be exempt from the provisions of the Act of the Legislature, approved March 23, 1876, relating to state erections and buildings, and all Acts amendatory thereto."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 2, line 1, of the printed bill, insert after the numeral "2" the following: "The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, lines 4 and 5, of the printed bill, strike out the following: "to be paid to the board of managers of the Sonoma State Home".

Amendment adopted.

Also:

In Section 1, line 6, of the printed bill, strike out the words "said home", and insert in lieu thereof the words "the Sonoma State Home".

Amendment adopted.

Also:

In Section 2, strike out of lines 2 and 3, of the printed bill, the words "board of managers of the Sonoma State Home", and insert in lieu thereof the words: "officer or officers authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 1, of the printed bill, after the word "expended" in line 5, and insert in lieu thereof the following: "in furnishing two cottages for epileptic patients, and one cottage for low grade patients at the Sonoma State Home".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the

Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable, in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of the printed bill beginning with line 9 thereof, and insert in lieu thereof the following:

"Nor shall any such company issue policies on property situated within the corporate limits of any city or town in excess of four thousand five hundred dollars on any one risk, under one or more policies. No adjoining risks can be taken by such company unless a clear space of at least one hundred and fifty feet intervenes, and such intervening space must continue at not less than one hundred feet during the life of the policy. Nor shall any risk be taken on any building closer than one hundred feet to any business property; *provided*, the amount of the insurance shall not exceed seventy-five per cent of the value of the property, and no additional insurance shall be allowed."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 912 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Gates, as a special committee of one, to amend as follows:

Amend by striking out the period in line 13, of the printed bill, and insert in lieu thereof a semicolon and the following: "*provided*, that any auctioneer who

applies for such license to the proper official of any city and county must also comply with any requirement of the charter or ordinances of said city and county relative to the business of an auctioneer".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 912, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Caminetti, the third-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 156 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

On motion of Senator Walker, Senate Bill No. 649 was temporarily passed on file, to retain its place.

Senate Bill No. 650—An Act making an appropriation to complete the work of replaing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

On motion of Senator Walker, Senate Bill No. 650 was temporarily passed on file, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was passed, to be placed at the foot of the file.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

On motion of Senator Walker, Senate Bill No. 181 was temporarily passed on file, to retain its place.

Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1086 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

On motion of Senator Boynton, Senate Bill No. 526 was passed, to be placed at the foot of the file.

Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Finn, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in

Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

On motion of Senator Stetson, Senate Bill No. 209 was temporarily passed on file, to retain its place.

Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park, in Santa Cruz County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1160 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Hurd moved that Senate Bill No. 512 be recalled from the Committee on Judiciary, and be re-referred to the Committee on Municipal Corporations.

Motion carried.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Monday, March 6, 1911, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, March 6, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 4, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVES OF ABSENCE.

Senator Hewitt was, on motion of Senator Thompson, granted leave of absence for this day.

Senator Martinelli was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Wright was, on motion of Senator Curtin, granted leave of absence for this day.

Senator Beban was, on motion of Senator Avey, granted leave of absence for this day.

Senator Cassidy was, on motion of Senator Regan, granted leave of absence for this day.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 439—An Act to amend Section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

Also: Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also: Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 675—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Also: Senate Bill No. 905—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Also: Senate Bill No. 906—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Also: Senate Bill No. 1177—An Act to amend sections eleven and twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

Also: Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two *a*, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Also: Senate Bill No. 301—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also: Committee Substitute for Senate Bill No. 407—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work.

And report the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 439, 887, 1123, 28, 675, 905, 906, 1237, 1177, 37, 627, 901, and Committee Substitute for Senate Bill No. 407 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the special committee of one to amend Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts—the same was taken up for consideration.

Report returned to Senate on March 3, 1911, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "and", and inserting in lieu thereof a comma.

Also: By striking out after the word "district" in line 6, Section 1, the period, and inserting the following: "and the seventh fish and game district."

Also: By striking out of Section 4, line 4, the words "Alpine, Mono," and the comma after the word "Mariposa" on line 4, and inserting in lieu thereof a period after the word "Mariposa".

Also: By adding a new section after Section 8, on page 2, to be numbered Section 7, to read as follows:

"SEC. 8. The seventh fish and game district shall consist of and include the counties of Alpine and Mono."

Also: Strike out figure "8", and insert the figure "9".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Committee Substitute for Assembly Bill No. 553, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, refused adoption.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 553 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 15 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 788?"

On page 2, line 49, of the printed bill, add the word "Section 2" before the word "this".

The roll was called, and the Senate concurred in the Assembly amendment to Senate Bill No. 788 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Welch—26.

NOES—None.

Senate Bill No. 788 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 84 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Also: Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the State Land Office in relation to lands sold by the State.

Also: Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Also: Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the nonpayment of principal and interest for state lands.

Also: Assembly Bill No. 1344—An Act to repeal Sections 3441, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Also: Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors, and marines, under certain circumstances.

Also: Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Also: Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents.

Also: Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Also: Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto to be numbered Section 330.

Also: Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653*et* thereof, relating to the terms of office of directors in nonprofit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Also: Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provisions of Section 3406 of the Political Code.

Also: Assembly Bill No. 1347—An Act to amend Section 3408*d* of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him Government lands in lieu thereof.

Also: Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 796—An Act to amend the Civil Code of the State of California, by adding three new sections thereto to be numbered 3474, 3475, and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which such wages are to be earned, and prescribing the effect thereof, and the fees therefor; and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor.

Also: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Also: Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Also: Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Also: Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Also: Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Also: Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

Also: Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Also: Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills, Nos. 1402, 1342, 1346, 1340, 1344, 1022, 1207, 944, 943, 219, 1534, 1350, 1347, 1348, 226, 796, 882, 1328, 1351, 1314, 291, 1526, 1009, 1008, and 945 read first time.

Assembly Bills Nos. 1402, 1342, 1346, 1340, 1344, 1350, 1347, 1348, 796, 882, and 1351 ordered referred to Committee on Judiciary.

Assembly Bill No. 1022 ordered referred to Committee on Military Affairs.

Assembly Bills Nos. 1207 and 1314 ordered referred to Committee on County Government.

Assembly Bills Nos. 944, 943, and 945 ordered referred to Committee on Education.

Assembly Bill No. 219 ordered referred to Committee on Banking.

Assembly Bill No. 1534 ordered referred to Committee on Corporations.

Assembly Bill No. 226 ordered referred to Committee on Finance.

Assembly Bill No. 1328 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bills Nos. 291, 1526, 1009, and 1008 ordered referred to Committee on Municipal Corporations.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909—have had the same under consideration, and respectfully report the same back without recommendation and to be re-referred to the Committee on Finance.

BLACK, Chairman.

Senate Bill No. 217 ordered re-referred to Committee on Finance.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 903 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Also: Senate Bill No. 169—An Act to amend section twelve hundred and twenty-nine of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Also: Assembly Bill No. 365—An Act to amend section five hundred and twenty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 1032, 169, 49, and 1137 ordered on file for second reading.

Assembly Bill No. 365 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary, and giving the Legislature power to establish inferior courts—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

STETSON, Chairman.

Assembly Constitutional Amendment No. 26 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Also: Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

Also: Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bills Nos. 881, 882, and 1081 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials, and pro-

viding for a penalty for violation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do not pass as amended.

STETSON, Chairman.

Senate Bill No. 1046 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Corporations.

STETSON, Chairman.

Senate Bill No. 856 ordered re-referred to Committee on Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Also: Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

STETSON, Chairman.

Senate Bills Nos. 726 and 1197 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom were referred the following:

Senate Bill No. 1250, by Senator Juilliard, entitled "An Act to regulate the public service of stallions and jacks in the State of California".

Senate Bill No. 1251, by Senator Gates, entitled "An Act to amend an Act entitled 'An Act authorizing municipal corporations, other than freeholder charter cities to change their names, and providing the procedure therefor,' approved March 3, 1909".

Senate Bill No. 1252, by Senator Campbell, entitled "An Act making an appropriation for the payment of the claim of C. A. Palmer".

Senate Bill No. 1253, by Senator Boban, entitled "An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor".

Senate Joint Resolution No. 25, by Senator Sanford, entitled "Relative to election of Senators of the United States by a direct popular vote".

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said bills and Senate joint resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce said bills and Senate joint resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, and Thompson—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-five minutes A. M. Senators Rush, Bryant, and Welch were brought to the bar of the Senate, and, on motion of Senator Bills, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Juilliard: Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Bill read first time, and referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

By Senator Gates: Senate Bill No. 1251—An Act to amend an Act entitled "An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor," approved March 3, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Campbell: Senate Bill No. 1252—An Act making an appropriation for the payment of the claim of C. A. Palmer.

Bill read first time, and referred to Committee on Finance.

By Senator Beban: Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Bill read first time, and referred to Committee on Education.

By Senator Sanford: Senate Joint Resolution No. 25—That the Legislature of the State of California does hereby make application to the Congress of the United States, to call, in the immediate future, a constitutional convention of the people of the United States for the purpose of proposing, for ratification, amendments to the Constitution of the United States, authorizing the several states to provide by law for the election of Senators of the United States by a direct popular vote.

Senate joint resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

On motion of Senator Hurd, Senate Bill No. 959 was temporarily passed on file, to retain its place.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the Salary Fund.

Read third time.

On motion of Senator Cutten, Senate Bill No. 490 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 407 for consideration out of order.

Committee Substitute for Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a break-water in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Committee substitute read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 407 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cutten, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS, ETC.—(RESUMED).

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was passed, to be placed at the foot of the file.

Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 passed by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cullen, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Walker, and Welch—24.

NOES—Senator Birdsall—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 266 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cullen, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

On motion of Senator Avey, Senate Constitutional Amendment No. 38 was temporarily passed on file, to retain its place.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental sur-

gery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was passed, to be placed at the foot of the file.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

Senate Bill No. 653 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Regan moved to refer to Senator Larkins as a special committee of one, to amend as follows:

By striking out all following the enacting clause thereof, and inserting in lieu the following:

"Section 1. Section seventeen hundred and ninety-three of the Political Code of the State of California, is hereby amended to read as follows:

1793. (1) The holders of city, or city and county, certificates are eligible to teach in the cities, or cities and counties, in which such certificates were granted, in schools or classes of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this Code, duly ascertained and approved by the boards of education of such cities, or cities and counties.

(2) City superintendent of public schools, elected by city boards of education shall be elected for a term of four years, and said city boards of education shall have full power to fix the salary of all employees.

(3) The holders of special city, or city and county, certificates are eligible to teach the special branches mentioned in their certificates, in the grades of all the schools in the city, or city and county, in which such certificates were granted, corresponding to the grade of said special certificates and when elected or assigned shall be dismissed or removed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this Code, duly ascertained and approved by the boards of education of such cities, or cities and counties."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 978, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARKINS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Regan, the Secretary was directed to issue a rush order for printing Senate Bill No. 978.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1146—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1146 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

On motion of Senator Black, Senate Bill No. 747 was temporarily passed on file, to retain its place.

Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 980 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 981 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 982 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Finn, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Senate Bill No. 572 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

On motion of Senator Regan, Senate Bill No. 611 was temporarily passed on file, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

On motion of Senator Finn, Senate Bill No. 1076 was temporarily passed on file, to retain its place.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed ter-

ritory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 11 $\frac{1}{2}$.

Committee Substitute for Senate Bill No. 1132 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1133 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

Committee Substitute for Senate Bill No. 1133 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

On motion of Senator Burnett, Senate Bill No. 1008 was temporarily passed on file, to retain its place.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3660, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code, to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

On motion of Senator Thompson, Senate Bill No. 936 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

On motion of Senator Thompson, Senate Constitutional Amendment No. 36 was temporarily passed on file, to retain its place.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

On motion of Senator Hurd, Senate Bill No. 875 was temporarily passed on file, to retain its place.

Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections, to be numbered Section 654b and Section 654c, prohibiting any person, firm or corporation from offering or

causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

Senate Bill No. 791 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

On motion of Senator Curtin, Senate Bill No. 1171 was temporarily passed on file, to retain its place.

Senate Bill No. 954—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

On motion of Senator Stetson, Senate Bill No. 954 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Senate Constitutional Amendment No. 14 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Read third time.

On motion of Senator Stetson, Senate Bill No. 719 was passed, to be placed at the foot of the file.

Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to

qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 720 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cannotti, Cartwright, Estudillo, Finn, Gates, Hans, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Walker, and Welch—25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 439—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 439 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Cannotti, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California, relating to judicial department of the State, and creating a court of impeachment.

Senate Constitutional Amendment No. 3 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

Senate Concurrent Resolution No. 10 was temporarily passed on file in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

On motion of Senator Welch, Senate Constitutional Amendment No. 32 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

On motion of Senator Roseberry, Senate Constitutional Amendment No. 45 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 21.

Relative to requesting our Senators in Congress to support "A bill, H. R. No. 29346," pending in the Senate of the United States.

WHEREAS, A bill, H. R. No. 29346, known as the Sulloway bill, granting pensions to enlisted men, soldiers and officers who served in the Civil War and the war with

Mexico, has passed the House of Representatives, in the Congress of the United States, and is now pending in the Senate; therefore, be it

Resolved by the Senate and Assembly, jointly. That the Legislature heartily approves all the provisions of said bill and hereby respectfully requests our Senators in Congress to vote for and use every honorable means to secure the passage of said bill by the Senate of the United States as it passed the House of Representatives, without alteration or amendment, as to benefits provided; be it

Resolved further. That copies of this resolution be sent to each of the Senators from California in the Congress of the United States.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 21 adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Estudillo, Gates, Hans, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—23.

NOES—Senator Bills—1.

Senate joint resolution ordered engrossed, and transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Regan asked for, and was granted, unanimous consent to withdraw Senate Joint Resolution No. 22—Relative to the issuance of internal revenue licenses.

Senate Joint Resolution No. 22 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

On motion of Senator Welch, Senate Joint Resolution No. 23 was temporarily passed on file, to retain its place.

SENATOR STETSON IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Thompson, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 651—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of firearms.

Read third time.

MOTION.

Senator Walker moved that Senate Bill No. 651 be re-referred to the Committee on Fish and Game.

Motion carried.

Senate Bill No. 651 ordered re-referred to Committee on Fish and Game.

RECESS.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Campbell, the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 1160—An Act to amend Section 1184 of the Civil Code, relating to proof and acknowledgment of instruments.

Also: Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March 3, 1911, concurred in the following Senate amendments to Assembly Bill No. 37, which were adopted in your house, February 11th, 1911:

In line 7, of Section 15, on page 6, of the printed bill, between the words "where" and "manufactured" insert the words "stored or".

Between the fifth and sixth paragraphs of Section 6, on page 7, of the printed bill, insert another paragraph, as follows:

"6th. The keeping of alcoholic liquors at wholesale storage plants, receiving orders at such plants for said liquors, and the shipping of the same therefrom; *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such storage plants are located".

Also: In line 39, of Section 16, on page 7, of the printed bill, strike out the number "6th", and insert in lieu thereof the following: "7th".

Also: In lines 42 and 43, of Section 16, on page 7, of the printed bill, strike out the words "to any person or place".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the words "*provided, further, that such deliveries are*", and insert in lieu thereof the following: "are not delivered to any person or place in such territory within said county except as follows: (a) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors; (b) to wholesale storage plants from which such liquors are not delivered to any person or place in no-license territory within the county in which such plants are located; (c) to bona fide heads of households at their permanent residences; (d) to regularly licensed pharmacists at their places of business".

Also: In Section 16, on pages 7 and 8, of the printed bill, strike out lines 46, 47, and 48.

I am further directed to inform your honorable body that the Assembly, on the same day, refused to concur in the following Senate amendments to Assembly Bill No. 37, which were adopted in your House February 20 and 23, 1911:

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By adding to Section 7, at bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to -----?"

Yes	
No	

"Shall the license for each saloon in this city, town or township be fixed at \$ -----?"

Yes	
No	

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than ----- gallons, in this city, town or township?"

Yes	
No	

"Shall the location of saloons in this city, town or township be fixed at ----- feet from a church or public school situated in this city, town or township?"

Yes	
No	

"Shall the serving of wines and beers at regular meals in the dining-rooms of hotels and restaurants in this city, town or township be permitted?"

Yes	
No	

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

Also: By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 59 inclusive, and insert in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom; *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided*, further, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons; *and*

provided, further, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining rooms of hotels and restaurants, situated in no-license territory, subject however, to the local ordinances governing the sale or distribution of liquor."

Also: By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4 after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or", in the "form of ballot", and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "For license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "Against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second proposition on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose lines 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

And respectfully request your honorable body to recede from said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By J. T. McBEAN, Assistant Clerk.

SPECIAL ORDER SET.

Senator Estudillo moved that the further consideration of the message from the Assembly, and its action on the Senate amendments to Assembly Bill No. 37 be made a special order for Tuesday, March 7, 1911, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators of the thirty-ninth session of the Legislature during the sixty-second fiscal year.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Also: Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 4th day of March, 1911, at twelve o'clock M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 723—An Act amending section one hundred seventy-one *a.* of the Penal Code of California—and report that the same has been correctly enrolled, and presented the same to the Governor on this 6th day of March, 1911, at twelve o'clock M.

CASSIDY, Chairman.

THIRD READING OF ASSEMBLY BILLS, ETC.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

On motion of Senator Boynton, Assembly Bill No. 833 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Shanahan, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

On motion of Senator Caminetti, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

Read third time.

The question being on the passage of the bill.

The law was called, and Assembly Bill No. 920 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Gates, Hans, Holohan, Juilliard, Lewis, Regan, Rush, Shanahan, Thompson, and Walker—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 992—An Act concerning tunnels, tubes, and subways under navigable streams and bodies of water in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Regan, Rush, Shanahan, Strobbridge, Thompson, and Walker—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

On motion of Senator Curtin, Assembly Bill No. 290 was temporarily passed on file, to retain its place.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bell moved a call of the Senate.

Motion carried.

Time, two o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hans.

The roll of absentees was called, and Assembly Bill No. 883 refused passage by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Caminetti, Campbell, Cutten, Finn, Gates, Hurd, Juilliard, Larkins, Lewis, Regan, Walker, and Welch—16.

NOES—Senators Boynton, Burnett, Cartwright, Curtin, Hans, Hare, Rush, Sanford, Shanahan, and Thompson—10.

NOTICE OF MOTION TO RECONSIDER.

Senator Thompson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 883 was this day refused passage.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees

and to permit them to use such seats when they are not engaged in the active duties of their employment: and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

On motion of Senator Caminetti, Assembly Bill No. 248 was temporarily passed on file, to retain its place.

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590*b*, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 971 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

On motion of Senator Gates, Assembly Bill No. 1192 was temporarily passed on file, to retain its place.

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways;

to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors." approved March 20, 1909, said amendment referring to the levy of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Cartwright, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, and Welch—22

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

On motion of Senator Gates, Assembly Bill No. 1191 was temporarily passed on file, to retain its place.

Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 746 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hurd, Juilliard, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of

legal process of the courts of this State. making such deeds, their record and certified copies of such record prima facie evidence of title.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 103 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled “An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901.”

Read third time.

On motion of Senator Juilliard, Assembly Bill No. 643 was temporarily passed on file, to retain its place.

Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Estudillo, Finn, Gates, Hans, Hurd, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Estudillo, Finn, Gates, Hans, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Estudillo, Finn, Gates, Hans, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 129 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Estudillo, Finn, Gates, Hans, Holohan, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 224 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 849 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Bryant, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1065 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Holohan, Hurd, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Denison, Edgar D. Pixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Read third time.

On motion of Senator Stetson, Senate Bill No. 1149 was temporarily passed on file, to retain its place.

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 83 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

On motion of Senator Curtin, Assembly Bill No. 848 was temporarily passed on file, to retain its place.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego, California.

Assembly Bill No. 661 was temporarily passed on file, in the absence of Senator Wright, to retain its place.

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobebridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

MOTION.

Senator Thompson moved that Assembly Bill No. 1143 be re-referred to the Committee on Finance, to retain its place on file.

Motion carried.

Assembly Bill No. 1143 ordered re-referred to the Committee on Finance.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 871 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobebridge, Thompson, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BURNETT IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Burnett, of the Twenty-fifth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 208—An Act to authorize the personal representative of James Touhey, deceased, to bring suit against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 208 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Burnett, Assembly Bill No. 70 was temporarily passed on file, to retain its place.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Read third time.

On motion of Senator Regan, Assembly Bill No. 766 was temporarily passed on file, to retain its place.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

On motion of Senator Finn, Assembly Bill No. 25 was temporarily passed on file, to retain its place.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes: the acquisition of property thereby: the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 989 was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1185—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements.

Senate Bill No. 1217 was temporarily passed on file, in the absence of the author, to retain its place.

THIRD READING OF SPECIAL APPROPRIATION FILE—OUT OF ORDER

On motion of Senator Strobridge, the third-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Estudillo, Gates, Hans, Hare, Hurd, Juilliard, Larkins, Lewis, Regan, Shanahan, Strobridge, Thompson, and Walker—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

On motion of Senator Black, Senate Bill No. 650 was passed, to be placed at the foot of the file.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Hurd, Juilliard, Larkins, Lewis, Regan, Shanahan, Strobridge, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 28—An Act to provide for the enlargement and alteration of the state pathological laboratory building at Whittier, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnetti, Caminetti, Cartwright, Estudillo, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 37—An Act to provide for equipment for the state pathological laboratory at Whittier, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Estudillo, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No. 209 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL OF BILL.

Senator Caminetti asked for, and was granted, unanimous consent to withdraw Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Senate Bill No. 140 withdrawn, and ordered stricken from the file.

THIRD READING OF SPECIAL APPROPRIATION FILE—(RESUMED).

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

On motion of Senator Juilliard, Senate Bill No. 648 was passed, to be placed at the foot of the file.

Senate Bill No. 660—An Act to provide for the repairing, altering

and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed at the foot of the file.

WITHDRAWAL OF BILL.

Senator Caminetti asked for, and was granted, unanimous consent to withdraw Senate Bill No. 151—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Senate Bill No. 151 withdrawn, and ordered stricken from the file.

MOTION.

Senator Caminetti moved that the Senate rescind its action in ordering Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry—withdrawn, and stricken from the file.

Motion carried.

Senate Bill No. 140 ordered replaced on the file.

On motion of Senator Caminetti, was passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Bill No. 1008, for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Shanahan, as a special committee of one, to amend as follows:

By striking out of line 8, page 1, after the word "capital" the word "revenue", and inserting in lieu thereof the word "income".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1008, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHANAHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Strobridge, the third-reading file of Senate bills was taken up, out of order.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Senate Bill No. 899 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 195—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

On motion of Senator Curtin, Senate Bill No. 195 was passed, to be placed on the file as unfinished business.

Committee Substitute for Senate Bill No. 1177—An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State; for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

Committee substitute read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1177 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Juilliard, Larkins, Lewis, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Senate Bill No. 893 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shot guns or pump guns.

Senate Bill No. 530 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Senate Bill No. 1051 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

On motion of Senator Thompson, Senate Bill No. 570 was temporarily passed on file, to retain its place.

Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

On motion of Senator Boynton, Senate Bill No. 934 was temporarily passed on file, to retain its place.

Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Senate Bill No. 1123 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

On motion of Senator Larkins, Senate Bill No. 238 was passed, to be placed at the foot of the file.

Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Welch—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 903 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Gates, Hans, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, and Welch—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR ESTUDILLO IN THE CHAIR.

At four o'clock and ten minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the

compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

On motion of Senator Strobbridge, Senate Constitutional Amendment No. 35 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 19 of Article XI, relating to public utilities.

Senate Constitutional Amendment No. 49 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1098—An Act to repeal an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof or supplemental thereto.

On motion of Senator Thompson, Senate Bill No. 1098 was passed, to be placed on the file as unfinished business.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 571 was passed, to be placed at the foot of the file.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Senate Bill No. 897 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL OF BILL.

Senator Boynton asked for, and was granted, unanimous consent to withdraw Senate Bill No. 917—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one, of Sutter County," approved March 20, 1874.

Senate Bill No. 917 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp

land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 1067 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 1068 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego.

Senate Bill No. 493 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two a, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Senate Bill No. 627 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 675—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Read third time.

On motion of Senator Bell, Senate Bill No. 675 was temporarily passed on file, to retain its place.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Senate Bill No. 901 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 905—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 905 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 906—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 906 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1237 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

The following amendment was submitted by committee:

On page 1, of printed bill, strike out all after "Sec. 7", and insert in lieu thereof the following:

"The Legislature by general laws may provide for the merging and consolidating of contiguous territory of two or more cities, or cities and counties, or counties or any part of any county or counties, containing in the aggregate a population of at least one hundred and seventy-five thousand, into one consolidated city and county government. No city or town shall become a part of such city and county unless a majority of the qualified electors of such city or town, voting thereon at a general or special election, shall approve such consolidation and the charter of such consolidated city and county, nor shall any city or town be divided by such consolidation. The charter so adopted may provide for a borough system of government, by which the different municipalities so uniting for general municipal purposes shall nevertheless retain and exercise such special municipal powers as the charter may provide. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated governments. The provisions of this article as to the removal of county seats and the formation of new counties shall not apply to the formation of such consolidated city and county governments, and the Legislature may by general laws provide for the removal of county seats made necessary by the formation of such consolidated city and county government. Such city and county shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which any part of its territory is taken, and shall be entitled to a just proportion of the property of such county or counties, and until such proportion is determined by general law such city and county shall be entitled to any property of such county or counties situated within the limits of such city and county, and such county or counties shall be entitled to any property of such county or counties situated without the limits of such city and county. Such consolidated government

shall also be liable for all the existing debts and liabilities of any municipal corporation merged therein, but provision shall be made for the payment of all outstanding bonds of such municipalities by taxes levied upon the property liable therefor at the time of such consolidation. The Legislature shall, by such general laws, provide for the organization of county governments and for the holding and territorial jurisdiction of superior courts in the remainder of any county whenever territory consolidated into a city and county government under the provisions hereof shall include the county seat of any county, such organization of county governments; and such holding and jurisdiction of superior courts to continue only until such time as the same is otherwise provided for by law."

Amendment adopted.

Senate Constitutional Amendment No. 15 ordered to print, and on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 627 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two *a*, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

On motion of Senator Bills, Senate Bill No. 627 was temporarily passed on file, to retain its place.

MOTION.

Senator Stetson moved that Senate Bill No. 43—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for such children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909—be withdrawn from the file, and re-referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 43 ordered withdrawn from the file, and re-referred to Committee on Judiciary.

PRESENTATION OF BILLS, ETC.

Senator Thompson offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the

Political Code, relating to the admission of pupils to high schools—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute be adopted.

STROBRIDGE, Chairman.

Senate Bill No. 1159 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1162—An Act to amend Sections 1758 and 1759 of the Political Code of the State of California, providing for payment of tuition of pupils in one county attending high school in another county—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STROBRIDGE, Chairman.

Senate Bill No. 1162 ordered on file for second reading.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Senator Welch, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 7, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 6, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss Mertie Meade and M. M. Cronemiller, both of Sacramento.

On request of Senator Larkins, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to C. E. Day, of Bakersfield.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the message from the Assembly, and their action on the Senate amendments to Assembly Bill No. 37.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of instruments.

Also: Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March 3, 1911, concurred in the following Senate amendments to Assembly Bill No. 37, which were adopted in your house February 11, 1911:

In line 7, of Section 15, on page 6, of the printed bill, between the words "where" and "manufactured" insert the words "stored or".

Between the fifth and sixth paragraphs of Section 6, on page 7, of the printed bill, insert another paragraph, as follows:

"6th. The keeping of alcoholic liquors at wholesale storage plants, receiving orders at such plants for said liquors, and the shipping of the same therefrom, *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such storage plants are located".

Also: In line 39, of Section 16, on page 7, of the printed bill, strike out the number "6th", and insert in lieu thereof the following: "7th".

Also: In lines 42 and 43, of Section 16, on page 7, of the printed bill, strike out the words "to any person or place".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the words "provided, further, that such deliveries are", and insert in lieu thereof the following: "are not delivered to any person or place in such territory within said county except as follows: (a) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors; (b) to wholesale storage plants from which such liquors are not delivered to any person or place in no-license territory within the county in which such plants are located; (c) to bona fide heads of households at their permanent residences; (d) to regulate licensed pharmacists at their places of business".

Also: In Section 16, on pages 7 and 8, of the printed bill, strike out lines 46, 47, and 48.

I am further directed to inform your honorable body that the Assembly, on the same day, refused to concur in the following Senate amendments to Assembly Bill No. 37, which were adopted in your house February 20 and 23, 1911:

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By adding to Section 7, at bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to -----?"

Yes

No

"Shall the license for each saloon in this city, town or township be fixed at \$ -----?"

Yes

No

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than ----- gallons, in this city, town or township?"

Yes

No

"Shall the location of saloons in this city, town or township be fixed at ----- feet from a church or public school situated in this city, town or township?"

Yes

No

"Shall the serving of wines and beers at regular meals in the dining-rooms of hotels and restaurants in this city, town or township be permitted?"

Yes

No

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

Also: By striking out of Section 26, pages 7 and 8, of the printed bill, lines 39 to 59 inclusive, and insert in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom; *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided*, *further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons; *and provided*, *further*, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining-rooms of hotels and restaurants, situated in no-license territory, subject, however, to the local ordinances governing the sale or distribution of liquor."

Also: By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or", in the "form of ballot", and insert in lieu thereof the word "precincts".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second propositions on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "and city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "garcos" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose lines 2 to 5, inclusive, on page 4 of said section upward and following lines 2 to 7 of said section.

And respectfully request your honorable body to recede from said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By J. T. McBEAN, Assistant Clerk

The same was taken up for consideration.

SPECIAL ORDER PROPOSED.

Senator Estudillo moved that the further consideration of the message from the Assembly, and their action on the Senate amendments to Assembly Bill No. 37 be postponed, and be made a special order for Tuesday, March 7, 1911, at eleven o'clock and thirty minutes A. M.

Motion carried.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Thompson moved that the vote whereby Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Holahan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, and Walker—27.

NOES—None.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Read third time on previous day.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Bill No. 883 be made a special order for Wednesday, March 8, 1911, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Also: Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Also: Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Also: Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Have had the same under consideration, and respectfully report the same back, without recommendation.

WALKER, Chairman.

Assembly Bills Nos. 573, 574, 575, and 576 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 701—An Act to amend Section 637a of the Penal Code of the State of California, relating to the killing of birds other than game birds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 701 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville, Napa County, California.

Also: Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Finance.

RUSH, Chairman.

Assembly Bills Nos. 86, 92, 94, and 1470 ordered re-referred to Committee on Finance.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof and by adding new sections 129, 52, 53, and 84 thereto.

Also: Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68½.

Also: Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Also: Senate Bill No. 735—An Act to provide for the payment by cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also: Senate Bill No. 1013—An Act to amend section twelve hundred and three of the Penal Code of the State of California, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 940, 939, 615, 735, and 1013 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p.* relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

Also: Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Also: Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Also: Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Also: Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Also: Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Also: Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

Also: Senate Bill No. 1211—An Act to amend sections two and four of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Also: Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at domestic and foreign expositions.

Also: Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

Also: Senate Bill No. 33—An Act making an appropriation for the equipment, support and maintenance of the branch agricultural experiment station in Imperial County.

Also: Senate Bill No. 563—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Also: Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Also: Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, disk and start the infield, grade and gravel walks and drives, mark the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

Also: Senate Joint Resolution No. 21—Relative to requesting our Senators in Congress to support "A bill H. R. No. 29346," pending in the Senate of the United States.

Also: Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also: Senate Bill No. 1185—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Also: Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto, relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Also: Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Also: Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code relative to building and loan associations.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 528, 770, 888, 924, 925, 987, 1154, 1211, 1242, 33, 563, 566, 657, 559, 921, 1061, 1185, 1150, 1175, and 1176 ordered on file for third reading.

Senate Concurrent Resolution No. 12 ordered transmitted to the Assembly.

Senate Joint Resolution No. 21 ordered transmitted to the Assembly

CONSIDERATION OF BILLS—(OUT OF ORDER.)

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 921 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell, as a special committee of one, to amend Senate Bill No. 921 as follows:

By inserting in the printed bill in line 1, of Section 1, between "Section 1" and "An", the following: "To meet a growing demand and necessity in the State of California for more widely diffused technical education and the establishment of more technical schools to answer such demand, in accordance with and under the authority and limitations of Section 6 of Article IX of the Constitution,".

Also: In Section 1, line 17, strike out period, and insert after the word "engineering" the following: "and that the work of said institution shall be confined to instruction in engineering as hereinbefore specified."

Also: In Section 1, line 1, insert small "a" in lieu of capital "A" in word "An" where it occurs in said line.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 921, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Bell, as a special committee of one, to amend Senate Bill No. 921 as follows:

On page 2, Section 1, line 17, insert after the word "department" the letter "s".

Also: On page 2, Section 5, line 3, strike out all of said line after the word "State", all of line 4, and all of line 4a down to the word "and".

Also: Insert a comma after the word "engineering", page 17.

Also: Strike out semicolon in Section 5, page 2, line 4a, and insert a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 921, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Gates, the Secretary was directed to issue a rush order for printing Senate Bill No. 921.

REPORT OF STANDING COMMITTEE—(RESUMED).

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 952—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HURD, Chairman.

Senate Bill No. 952 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 959 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

On page 1, Section 1, line 4, after the word "shall", insert the following: "in its discretion".

Also: On page 2, Section 1, line 10, after the word "shall", strike out the rest of the section and insert in lieu thereof the following: "in its discretion find that such operation is not necessary, or for the best interest of the patient, asexualization may be omitted."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 959, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Hurd, the Secretary was directed to issue a rush order for printing Senate Bill No. 959.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Senate Bill No. 490 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

On motion of Senator Avey, Senate Constitutional Amendment No. 38 was passed, to be placed at the foot of the file.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

On motion of Senator Black, Senate Bill No. 747 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

On motion of Senator Estudillo, Senate Bill No. 572 was passed, to be placed at the foot of the file.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

On motion of Senator Regan, Senate Bill No. 611 was passed, to be placed at the foot of the file.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory

in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 11.

Committee Substitute for Senate Bill No. 1132 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1133 (Committee Substitute for, —An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

Committee Substitute for Senate Bill No. 1133 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769 of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

On motion of Senator Thompson, Senate Bill No. 936 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

Read third time.

SPECIAL ORDER SET.

Senator Cullen moved that the further consideration of Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

And

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an

attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—be made a special order for Thursday, March 9, 1911, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Thompson, as a special committee of one, to amend as follows:

By inserting on page 1, Section 1, line 3, of the printed bill, at the beginning of the line before the word "it" the following: "Sec. 19".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT. Your special committee of one, to whom was referred Senate Bill No. 747, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven, and thirteen of said Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Senators Bell, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutten, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Stetson, and Strobbridge—21.

NOES—Senators Avey, Birdsall, Black, Campbell, Cartwright, Estudillo, Larkins, Martinelli, Sanford, Shanahan, Thompson, Tyrrell, Walker, and Wright—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended thirty-five minutes.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the message from the Assembly, and their action on the Senate amendments to Assembly Bill No. 37.

MESSAGE FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March 3, 1911, concurred in the following Senate amendments to Assembly Bill No. 37, which were adopted in your house February 11, 1911:

In line 7, of Section 15, on page 6, of the printed bill, between the words "where" and "manufactured" insert the words "stored or".

Between the fifth and sixth paragraphs of Section 6, on page 7, of the printed bill, insert another paragraph, as follows:

"6th. The keeping of alcoholic liquors at wholesale storage plants, receiving orders at such plants for said liquors, and the shipping of the same therefrom; *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such storage plants are located".

Also: In line 39, of Section 16, on page 7, of the printed bill, strike out the number "6th", and insert in lieu thereof the following: "7th".

Also: In lines 42 and 43, of Section 16, on page 7, of the printed bill, strike out the words "to any person or place".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Also: In line 45, of Section 16, on page 7, of the printed bill, strike out the words "*provided, further, that such deliveries are*", and insert in lieu thereof the following: "are not delivered to any person or place in such territory within said county except as follows: (a) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors; (b) to wholesale storage plants from which such liquors are not delivered to any person or place in no-license territory within the county in which such plants are located; (c) to bona fide heads of households at their permanent residences; (d) to regularly licensed pharmacists at their places of business".

Also: In Section 16, on pages 7 and 8, of the printed bill, strike out lines 46, 47, and 48.

I am further directed to inform your honorable body that the Assembly, on the same day, refused to concur in the following Senate amendments to Assembly Bill No. 37, which were adopted in your house February 20 and 23, 1911:

By inserting in Section 1, line 2, of the printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of the printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By adding to Section 7, at the bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to _____?"

Yes

No

"Shall the license for each saloon in this city, town or township be fixed at \$ _____?"

Yes

No

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than _____ gallons, in this city, town or township?"

Yes

No

"Shall the location of saloons in this city, town or township be fixed at _____ feet from a church or public school situated in this city, town or township?"

Yes

No

"Shall the serving of wines and beers at regular meals in the dining-rooms of hotels and restaurants in this city, town or township be permitted?"

Yes

No

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

Also: By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 39 inclusive, and insert in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom: *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided*, *further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons; *and provided*, *further*, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining-rooms of hotels and restaurants, situated in no-license territory, subject however, to the local ordinances governing the sale or distribution of liquor."

Also: By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or", in the "form of ballot", and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second propositions on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose lines 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

And respectfully request your honorable body to recede from said amendments.

L. B. MALLORY, Chief Clerk of the Assembly.

By J. T. McBEAN, Assistant Clerk.

The same was taken up for consideration.

The question being "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 37?"

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 37, by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Gates, Hewitt, Larkins, Lewis, Roseberry, Shanahan, Strobbridge, Thompson, Walker, and Wright—18.

NOES—Senators Reban, Bills, Birdsall, Bryant, Burnett, Caminetti, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Stetson, Tyrrell, and Welch—21.

The question being "Shall the Senate recede from the following Senate Amendments to Assembly Bill No. 37?"

By adding to Section 7, at bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to _____?"

Yes	
No	

"Shall the license for each saloon in this city, town or township be fixed at \$ _____?"

Yes	
No	

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than _____ gallons, in this city, town or township?"

Yes	
No	

"Shall the location of saloons in this city, town or township be fixed at _____ feet from a church or public school situated in this city, town or township?"

Yes	
No	

"Shall the serving of wines and beers at regular meals in the dining rooms of hotels and restaurants in this city, town or township be permitted?"

Yes	
No	

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

The roll was called, and the Senate receded from the above Senate amendments to Assembly Bill No. 37 by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Gates, Hewitt, Holohan, Larkins, Lewis, Roseberry, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wright—21.

NOES—Senators Beban, Bills, Bryant, Burnett, Caminetti, Cassidy, Curtin, Finn, Hans, Hare, Hurd, Juilliard, Martinelli, Regan, Sanford, Tyrrell, and Welch—17.

The question being: "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 37?"

By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 59, inclusive, and insert in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, receiving or filling of orders for such liquors at the above named places and the shipment and delivery

of the same therefrom; *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided*, *further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons; *and provided*, *further*, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining-rooms of hotels and restaurants, situated in no-license territory, subject however, to the local ordinances governing the sale or distribution of liquor".

Also: By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or", in the "form of ballot", and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second propositions on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 5, page 5, to a position or place under the first proposition on page 4, and transpose line 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 37, by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Campbell, Catten, Estudillo, Gates, Hewitt, Larkins, Lewis, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, and Walker—19.

NOES—Senators Behan, Bills, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Sanford, Tyrrell, Welch, and Wright—20.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cartwright arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I voted against receding from Senate Amendment No. 3 to the local option bill for the following reasons:

First—The bill provides that heads of households may serve wines at their homes, but it makes the purchase of wines by the head of the household so difficult as to be impracticable to those living at any considerable distance from a winery.

Second—It prohibits the sale of liquors at wholesale by wholesale houses, and confines such sales to the winery.

Third—It confiscates the property of many citizens, and allows but three months for them to readjust their business and get into some other business, which to my mind is ungenerous and unnecessarily harsh.

Fourth—Refusal to recede does not kill the bill, but merely throws it into a conference committee. I have absolute confidence in the fairness of President Wallace, and feel certain that he will appoint a conference committee that will bring in and report a much better bill than the one now under consideration.

Fifth—I have no interest in any winery, brewery, saloon, or other business enterprise manufacturing or dealing in alcoholic liquors, nor do I, or any of my family, use them in the household, excepting upon rare occasions, and then for medicinal purposes.

Also:

Senator Gates arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: Senators in this portion of the Senate Chamber, always delighted to listen to the Senator from Fresno, have been unable to hear more than one third of his argument upon this measure, owing to the fact that he has aimed his voice in the opposite direction. I desire to ask the Senator to also speak in our direction, that we, too, may hear.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Estudillo, Stetson, and Thompson as a Committee on Conference on Assembly Bill No. 37, to act with a like committee from the Assembly.

RECESS.

At one o'clock and five minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 44, relating to appeals in criminal cases.

Also: Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Also: Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a board of state harbor commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 6th day of March, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1005 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California, relating to the duties of constables—and report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 1058 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEWIS, Chairman.

Senate Bill No. 1152 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEWIS, Chairman.

Assembly Bill No. 829 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for

the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled, 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 1½, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Finance.

GATES, Chairman.

Assembly Bill No. 961 ordered re-referred to Committee on Finance.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 833 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Holohan, Hurd, Juillard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Sanford, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

On motion of Senator Strobridge, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one a, relating to filing a copy of printed notice to creditors.

On motion of Senator Tyrrell, Assembly Bill No. 290 was temporarily passed on file, to retain its place.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical or mercantile estab-

lishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Assembly Bill No. 248 be made a special order for Wednesday, March 8, 1911, at three o'clock P. M.

Motion carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such district," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1192 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Giles, Hard, Larkins, Lewis, Martinelli, Reason, Roseberry, Rush, Sanford, Shanahan, Strobridge, Walker, and Wright—25.

NOTES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1191 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shanahan moved to refer to Senator Burnett, as a special committee of one, to amend as follows:

By inserting after the comma, and before the word "or", in line 10, of page 1, of the printed bill, the following: "or upon unenclosed lands, where the acreage of the owner or the person entitled to the possession thereof exceeds one thousand two hundred eighty acres".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 643, with instructions to amend, respectfully reports the same back, amended as per instructions.

BURNETT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for third reading.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1149 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks of this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

On motion of Senator Avey, Assembly Bill No. 848 was temporarily passed on file, to retain its place.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in said city of San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Tyrrell, Walker, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Shanahan, as a special committee of one, to amend as follows:

By striking out of Section 1, line 23, the word "this".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 70, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHANAHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 finally passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Cartwright, Cassidy, Cutten, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a

time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

Read third time on previous day.

On motion of Senator Finn, Assembly Bill No. 25 was temporarily passed on file, to retain its place.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker, as a special committee of one, to amend as follows:

By striking out of Section 2, line 45, the word "pointed".

Also: By striking out of Section 2, line 47, the word "pointed", and inserting in lieu thereof the word "great".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 989, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

On motion of Senator Campbell, Assembly Bill No. 241 was temporarily passed on file, to retain its place.

Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases, or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a state board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for

position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners, and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 965 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, and Walker—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE.

Senator Martinelli moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Also: Senate Joint Resolution No. 24—Relative to recognition of American passports by foreign nations.

Also: Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also: Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices, to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act.

Also: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purchase of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also: Senate Bill No. 143—An Act providing an appropriation of \$1,000.00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four a, providing for the formation of religious corporations.

Also: Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Also: Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Also: Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Also: Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Also: Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Sections 14, Article XI of the Constitution of the State of California.

Also: Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Also: Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Also: Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Also: Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of March, 1911, at two o'clock and thirty minutes P. M.

CASSIDY, Chairman.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11, and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

The following amendments were submitted by committee:

On page 2, Section 11, line 43, strike out all of line 43 and insert in lieu thereof the following: "each of the inferior courts in incorporated cities or towns, and in townships, coun-".

Amendment adopted.

Also:

On page 2, Section 11, line 44, after the word "counties" insert the following: "according to the population thereof".

Amendment adopted.

Also:

On page 2, Section 11, line 46, before the word "such", insert the following: "each of".

Amendment adopted.

Assembly Constitutional Amendment No. 26 ordered to print, and on file.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "to" immediately after the word "flow", and insert in lieu thereof the following: "of".

Amendment adopted.

Also:

On page 1, Section 1, line 8, immediately after the word "defendant", insert the following: "unless it shall appear from the verified complaint or affidavits upon which the application therefor is made, that, within ten days prior to the time of such application, the plaintiff has been in the peaceable possession of the flow of such water, and that, within such time, said plaintiff has been deprived of the flow thereof by the wrongful diversion of such flow by the defendant, or that the plaintiff, at the time of such application, is, and, for ten days prior thereto, has been, in possession of the flow of said water, and that the defendant threatens to divert the flow of such water; and if such notice of such application be given".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "if".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SECOND READING OF SENATE BILLS.

On motion of Senator Walker, the second-reading file of Senate bills was taken up for consideration.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

On motion of Senator Martinelli, Senate Bill No. 453 was temporarily passed on file, to retain its place.

Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Senate Bill No. 738 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 737—An Act to amend Section 3 of an Act entitled "An Act to amend sections three, five, six and ten of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889," approved March 24, 1893.

Senate Bill No. 737 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, of the title, strike out the figures "3, 7", and insert in lieu thereof the following: "7, 13".

Amendment adopted.

Also:

In the last line of the title, strike out the "period" after the letters "ments", and insert in lieu thereof the following: ", and to repeal Section 20 of said Act".

Amendment adopted.

Also:

On page 1, Section 1, line 10, after the word "places", insert the following: "boulevards, highways, crossings, intersections".

Amendment adopted.

Also:

On pages 2, 3 and 4, strike out all of Section 2, lines 1 to 66 inclusive.

Amendment adopted.

Also:

On page 4, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "2".

Amendment adopted.

Also:

On page 6, subdivision 8, line 67, after the word "or", insert the following: "any lot, piece or parcel of land belonging".

Amendment adopted.

Also:

On page 6, subdivision 8, line 67, strike out the word "district," and insert in lieu thereof the following: "mandatory of the government, school board".

Amendment adopted.

Also:

On page 6, subdivision eight, line 69, strike out the words "the use for", and insert in lieu thereof the following: "use in the".

Amendment adopted.

Also:

On page 6, subdivision eight, line 91, strike out the period after the word "fund", and insert in lieu thereof a comma and the following: "unless the council shall in its resolution of intention designate another fund and the contract for said work or improvement thereafter made shall contain a provision to that effect".

Amendment adopted.

Also:

On page 8, subdivision nine, line 143, strike out the word "have".

Amendment adopted.

Also:

On page 9, after line 197, insert the following:

"Subdivision Twelve. Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, the said order, unless said city council shall, by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like satisfaction as those ordered to be performed by said order ordering the work, and the resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such street or streets to notify in writing the superintendent of streets if such person or company elects to perform such work at its own charge and expense and under its own direction, said notice must be delivered to the superintendent of streets within ten days after the first publication of notice or award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract, made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner hereinbefore provided for the awarding of contracts for improvements, excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required for the execution of contracts for improvements. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor shall thereupon be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said track or tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as security for the recovery of such amount, a first lien upon the track and franchises of said person or company, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to perform such work at its own cost and expense and under its own direction, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the

city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described, between the curbs and for two feet on each side thereof, and between the tracks if there be more than one, shall not be made with diligence, or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the said city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portions thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvement under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinbefore provided for, and shall have the right to collect from said person or company by suit the amount specified in such certificate in all respects the same as is hereinbefore provided where the contract is for such improvement in the first instance.

Subdivision Thirteen. The said council may include in one resolution of intention and order any of the different kinds of work mentioned in this Act, and may include any number of streets and rights of way or portions thereof in one proceeding and one contract, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made, *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in the Act.

SEC. 3. Section thirteen of said Act is hereby amended to read as follows:

"Section 13. When any portion of any street, alley, or public place in said city shall be out of repair or needing reconstruction, or in a condition to interfere with the public convenience in the use thereof, it shall be the duty of the superintendent of streets to notify the owner of any lot or portion of a lot, fronting on the portion of such street, alley, or public place, so out of repair or needing reconstruction, to repair or reconstruct such portion of said street, alley, or public place, to the center line of said street, alley, or public place, in front of the property of which he is the owner, or to repair the sidewalk in front of such property in case such sidewalk shall need repair or reconstruction, and he shall state in such notice what work is required to be done, and what materials shall be used in said work and how the same shall be done. If said repairs or reconstruction be not commenced within ten days after notice given, as aforesaid, and prosecuted to completion diligently, the said superintendent of streets may under authority from said city council let a contract for the performance of such work. He shall post notice at his office for two days inviting bids for the doing of said work of repair or reconstruction, and the contract shall be awarded by him to the lowest bidder, and a contract in writing shall be entered into with the successful bidder. Upon the completion of said repairs or reconstruction to the satisfaction of said superintendent of streets, he shall make and deliver to said contractor a certificate to the effect that said repairs or reconstruction, or both, have been properly made, and state what amount is payable by each owner for the same, which certificate shall be recorded in the office of said superintendent of streets in a book kept for that purpose, and all owners of property in front of which such improvement shall have been performed, shall be deemed to have notice of the contents of the record thereof. The contractor may make demand for the amount due by serving written notice upon the owners, referring to the certificate so recorded, and if the contractor be not paid on demand, he shall have the right to sue each owner for the amount due and payable from each respectively, and the said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for the work and materials and of the right of the contractor to recover for the same in such action, and the amount so due and payable shall be a first lien upon the respective lots, pieces or parcels of land against which it may be charged and shall have the same effect as the lien hereinbefore provided for in section nine of this Act and may be enforced in the same manner.

"In addition, the city council shall have power by ordinance to prescribe the penalties that shall be incurred by any owner for neglecting or refusing to make repairs when required, which penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California, in the court having jurisdiction thereof, and may be applied, if deemed expedient, by the said city council in the payment of the expense of any such repairs not otherwise provided for."

Amendment adopted.

Also:

On page 10, Section 6, line 11, strike out the "comma" after the word "paper" and insert in lieu thereof the following: "published and circulated in said city and designated by the council for that purpose".

Amendment adopted.

Also:

On page 11, Section 7, line 4, insert after the word "intention", the following: "and notice of street work".

Amendment adopted.

Also:

On page 11, following line 6, Section 7, insert the following paragraph:
"SEC. 9. Section 20 of said Act is hereby repealed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out, after the figures "515.", the balance of the section, and insert in lieu thereof the following:

"Upon the conviction of any person of grand larceny or felony embezzlement, the jury, or the court if the defendant pleads guilty, shall find the value of the property stolen or embezzled and at any time before judgment is pronounced, the defendant may return the specific property or the value thereof, or so much thereof as he may have, to the owner or into court to be returned to the owner thereof, and in the event of the defendant's failure or refusal to do so, the court shall, in addition to the penalty prescribed by law for larceny or embezzlement add to the term of imprisonment one month for each \$100.00 or fractional part thereof of the value of the property stolen or embezzled and not returned as herein provided: *provided*, that said additional punishment shall in no case exceed the period of five years."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and forty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On pages 1 and 2 strike out all after the enacting clause and insert in lieu thereof the following:

"Section twelve hundred and forty-nine, of the Code of Civil Procedure, is hereby amended to read as follows:

1249. For the purpose of assessing compensation and damages the right thereof shall be deemed to have accrued at the date of the issuance of summons and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected, in all cases where such damages are allowed as provided in section one thousand two hundred forty-eight: *provided*, that in any case in which the issue is not tried within one year after the date of the commencement of the

action, unless the delay is caused by the defendant, the compensation and damages shall be deemed to have accrued at the date of the trial. Nothing in this section contained shall be construed or held to affect pending litigation.

If an order be made letting the plaintiff into possession as provided in section one thousand two hundred fifty-four, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, strike out the words "or slander" in line 5, of the printed bill.

Amendment adopted.

Also:

On page 1, Section 1, strike out the period in line 7 of the printed bill, and insert a semicolon and add the following: "and every person who wilfully, and with a malicious intent to injure another, publishes or procures to be published any slander as defined in subdivisions one, two and four of section forty-six of the Civil Code shall be guilty of misdemeanor".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, subdivision 7, lines 49 and 50, of the printed bill, strike out the following: "; or any part of such lines, systems and plants", and insert in lieu thereof a "period".

Amendment adopted.

Also:

On page 3, line 74, of the printed bill, strike out the brackets and insert in lieu thereof the following: "electric light lines,".

Amendment adopted.

Also:

On page 3, lines 75 and 76, of the printed bill, strike out the words "or any part of such lines, works or plants,".

Amendment adopted.

Also:

On page 4, line 104, of the printed bill, strike out the "comma" after the word "plants", and also the following: "or any part of works or plants,".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Sections 1 and 2, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful and against public policy and in restraint of trade for any person, firm or corporation engaged in the business of selling lumber or building materials of any kind in this State, to discriminate against or favor any customers thereof in the prices of such materials or to refuse to sell the same to any person who tenders the price therefor, at a price at least as low as that furnished, or offered or priced to any other customer or purchaser, in like quantities at same time and place of sale.

SEC. 2 Any person or officer or agent of any corporation violating the provisions of this Act shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1159 (Committee Substitute for)—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

On motion of Senator Holohan, Committee Substitute for Senate Bill No. 1159 was temporarily passed on file, to retain its place.

MOTION.

Senator Larkins moved that Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property—be recalled from print and engrossment, for the purpose of amendment.

Motion carried.

Senate Bill No. 1197 ordered recalled from print and engrossment.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1197.—An Act to amend Section 1401 of the Civil Code, relating to community property.

During second reading of the bill, the following amendments were offered by Senator Larkins:

On page 1, Section 1, line 3, of printed bill, strike out the word "wife", and the word "or", and the words "the entire", and insert in lieu of the last two words the words "one half".

Amendment adopted.

Also:

In line 5, strike out the word "survivor" before the semicolon, and insert in lieu thereof the words "surviving wife".

Amendment adopted.

Also:

Strike out the word "survivor" after the semicolon, and insert in lieu thereof the words "surviving wife"; also strike out the letters "hus-" in said line 5.

Amendment adopted.

Also:

In line 6, strike out the words "and and", and insert in lieu thereof the word "deceased".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Holohan asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1162—An Act to amend Sections 1758 and 1759 of the Political Code of the State of California, providing for payment of tuition of pupils in one county attending high school in another county.

Senate Bill No. 1162 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Avey asked for, and was granted, unanimous consent to take up Assembly Bill No. 848 for consideration, out of order.

Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—Senator Hurd—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Senate Bill No. 1159 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1159.

An Act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high school in another county, and providing for payment of same.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1751 of the Political Code is hereby amended so as to read as follows:

1751. Any graduate of the elementary schools of this State and any other person who furnishes to the principal of the high school he desires to attend, and to the superintendent having jurisdiction over such high school satisfactory evidence of his fitness for high school work, may attend any high school in this State; *provided*, that any person residing in a high school district may attend the high school in another high school district only upon such terms as may be agreed upon by the high school board of the two districts, or if such boards fail to agree, on such terms as the superintendent of schools having jurisdiction by the provisions of this article over the high school he desires to attend may prescribe; *and provided, further*, that any person not residing in a high school district or residing in a place which is subject to a county tax for the support of a county high school, or county high schools, and desiring to attend a high school in a high school district situate entirely outside the county in which such person resides may attend such high school only upon such terms as may be agreed upon by the high school board of the high school which he desires to attend and the superintendent of schools of the county in which he resides, or if they fail to agree on such terms as the superintendent of schools having jurisdiction by the provision of this article over the high school he desires to attend may prescribe. When terms have been made and agreed upon as provided for in this section, the superintendent of schools of the county in which such person resides is authorized and empowered to apportion and cause to be paid over to the high school which such person desires to attend such portion of the high school tuition fund of his county provided for by Sections 1758 and 1759 of this Code, or such portion of the fund provided for the support of a county high school or county high schools as provided in Sections 1756 and 1757 of this Code, as may be equitable and as may be agreed to by the high school board of the high school such person desires to attend.

SEC. 2. Section 1758 of the Political Code of California is hereby amended so as to read as follows:

1758. *First*. For the purpose of defraying the cost of educating high school pupils residing in any county and not in any high school district, a special tax shall be annually levied by the board of supervisors of each county in which there is no county high school upon all property in the county not situated in any high school district, in the manner hereinafter provided. Every superintendent of schools to whom any report is made under section seventeen hundred forty-three, shall verify each such report as to the new pupils therein mentioned as attending high school and residing in his county but not in any high school district, and shall compile a report showing the total number of such high school pupils residing in his county outside of any high school district, the net cost of educating each of such pupils, the total net cost for all of such pupils, and the total net cost to each high school district for all of such pupils attending therein; to be determined as hereinafter provided.

The net cost in any year of educating a new pupil attending a high school and not residing in any high school district shall be the excess, if any, of the total cost, for such year, of educating each high school pupil of the district maintaining such high school over the amount per pupil paid by the State to such high school district for that year. If it shall appear to a superintendent of schools by the reports of the principals in the several high schools of his county that pupils living in an adjoining county are attending high school in his county, then said superintendent of schools shall compile a report showing the names of said pupils, the county from which they came and the net cost of educating each and the total cost of educating all of such pupils. Said report shall be forwarded by registered mail, to the superintendent of

schools of the county from which such pupils attend, to be by said superintendent of schools to whom such report is sent filed with the board of supervisors of such county on or before September first of each year.

Second. The cost of educating each high school pupil of any high school district shall be determined by dividing the total amount expended by the high school district for maintaining school during any school year, by the total number of new pupils enrolled in the high schools of the district during the same school year. The amount paid per pupil by the State to any high school district in any one year shall be determined by dividing the high school district's income from the state high school fund for that year, by the total number of new pupils enrolled in the high schools of the district for that year.

SEC. 3. Section 1759 of the Political Code of California is hereby amended so as to read as follows:

1759. *First.* Not later than the first Monday in September of each year the superintendent of schools of each county in which there is not a county high school shall certify to the board of supervisors and to the county auditor of such county, the total net cost, for the preceding year, of educating all high school pupils residing in such county and not in any high school district, and the estimated amount needed for that purpose for the current year.

The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any high school district, sufficient in amount to defray the net cost, for the current year, of educating all high school pupils residing in such county and not in any high school district. If it shall appear by the report of the superintendent of schools that pupils residing in one are attending high school in another county, the supervisors of the county in which said pupils live shall levy a tax as is provided by this section to pay the cost of educating such pupils. If the board of supervisors fail to make such tax levy the auditor of the county must make the same. Said tax when collected shall be paid into the county treasury and placed in a fund to be known as the high school tuition fund. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such fund, and the superintendent of schools shall thereupon apportion the same to the several high school districts having territory in his county, or to high schools in adjoining counties as provided above, in proportion to the total net cost to each of said districts of educating its high school pupils who reside in his county outside of any high school district, as shown in his report for the preceding school year compiled as directed in section seventeen hundred fifty-eight, and certify such apportionment to the auditor. The amount so apportioned to each high school district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such high school district, to the credit of the special fund thereof, and shall be used to maintain the high school, and paid out in the same manner as other high school funds.

Second. The superintendent of schools of a county having high school pupils attending high school in an adjoining county shall draw his order on the county auditor in favor of the superintendent of schools in which such pupils attend school, for any money belonging to any high school outside of his county as provided in this section. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury, to the credit of the high school or schools educating the children from the county paying such money.

SEC. 4. This Act shall take effect at once.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Senate Bill No. 453 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated

or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

During second reading of the bill, the following amendments were submitted by committee:

In the title of the bill, line 4, after the word "deception", strike out the word "of" and insert in lieu thereof the word "or".

Amendment adopted.

Also:

In Section 1, line 15, page 2, after the word "depot", insert a comma.

Amendment adopted.

Also:

In Section 2, page 2, line 11, after the word "if", insert the word "a".

Amendment adopted.

Also:

In Section 2, page 2, line 20, after the word "cows", insert the word "hogs".

Amendment adopted.

Also:

In Section 5, page 5, line 8, after the word "therein", strike out the words "and in the same building".

Amendment adopted.

Also:

In Section 8, page 6, lines 5 and 6, strike out the words "state, county and" where they occur between the words "the" and "place".

Amendment adopted.

Also:

In Section 9, page 6, line 5, strike out the word "designated", and insert in lieu thereof the word "designed".

Amendment adopted.

Also:

In Section 10, page 7, line 21, after the word "character" and before the word "from", insert the word "free".

Amendment adopted.

Also:

In Section 11, page 8, line 30, after the word "butter", strike out the period and insert a comma in lieu thereof; and add thereafter the words "or cheese, as the case may be".

Amendment adopted.

Also:

In Section 13, page 8, line 7, after the word "section", strike out the figures "18", and insert the figures "11" in lieu thereof.

Amendment adopted.

Also:

In Section 20, page 11, line 10, after the word "bureau", strike out the word "not", and insert the word "now" in lieu thereof.

Amendment adopted.

Also:

In Section 22, page 12, line 25, after the word "any" and before the word "said", the word "of" to be inserted.

Amendment adopted.

Also:

In Section 26, page 14, line 1, after the word "state" and before the word "bureau", the word "dairy" to be inserted.

Amendment adopted.

Also:

In Section 28, page 17, line 26, after the word "written", the comma and the word "or" to be stricken out.

Amendment adopted.

Also:

In Section 28, page 17, line 28, strike out the first word "or", and insert the word "of" in lieu thereof.

Amendment adopted.

Also:

In Section 29, page 17, lines 12 and 13, strike out the words "nine and twenty-hundredths (.925)", and insert "eight and eight tenths (.88)" in lieu thereof.

Amendment adopted.

Also:

In Section 29, page 18, line 44, strike out the words "case in", and insert the word "casein" in lieu thereof.

Amendment adopted.

Also:

In Section 29, page 18, line 57, after the word "water", strike out the comma and insert a period in lieu thereof. Also strike out lines 58 and 59 of Section 29.

Amendment adopted.

Also:

In Section 29, page 19, line 61, strike out the word "harmles", and insert the word "harmless" in lieu thereof.

Amendment adopted.

Also:

In Section 33, page 20, line 5, strike out the word "formaldehyds", and insert the word "formaldehyde" in lieu thereof.

Amendment adopted.

Also:

In Section 34, page 21, line 18, in the word "receptacle", strike out the letter "c" between the letters "p" and "t".

Amendment adopted.

Also:

In Section 34, page 21, line 45, after the word "thereon", and before the word "words", the word "the" to be inserted.

Amendment adopted.

Also:

In Section 34, page 21, line 46, after the word "serve", strike out the quotation marks, and in the same line, after the word "or", and before the word "we", insert quotation marks.

Amendment adopted.

Also:

In Section 35, page 23, line 32, strike out the lower case "e" in the word "edam", and insert the upper case "E". Also in the word "brickstein", strike out the lower case "b" and insert the upper case "B".

Amendment adopted.

Also:

In Section 35, page 23, line 33, in the word "pineapple", strike out the lower case "p" and insert the upper case "P" in lieu thereof. And in the word "limburger" strike out the lower case "l", and insert the upper case "L" in lieu thereof.

Amendment adopted.

Also:

In Section 43, page 26, line 50, strike out the word "such", and insert the word "the" in lieu thereof.

Amendment adopted.

Also:

In Section 43, page 26, line 51, after the word "changes," strike out the words "that are", and insert the word "required" in lieu thereof. Also after the word "made", strike out the words "that will", and insert the word "to" in lieu thereof.

Amendment adopted.

Also:

In Section 40, page 24, line 2, after the word "inclusive", strike out the word "and", and insert the words "or of" in lieu thereof.

Amendment adopted.

Also:

In Section 44, page 27, line 6, at the end of the line, strike out the word "district", and insert the word "county" in lieu thereof.

Amendment adopted.

Also:

In Section 46, page 27, line 1, at the end of the line strike out the word "this", and insert the word "the".

Amendment adopted.

Also:

In Section 46, page 27, line 6, strike out the word "sixty-second", and insert the word "sixty-third" in lieu thereof.

Amendment adopted.

Also:

On page 7, Section 10, line 13, after the word "resemble", insert the word "yellow".

Amendment adopted.

Also:

On page 12, Section 22, line 19, after the word "resemble", insert the word "yellow".

Amendment adopted.

The following amendments were offered by Senator Martinelli:

Amend by striking out of Section 37, line 2, page 23, of the printed bill, after the word "city", the word "or", and by inserting in the same line after the word "county" the words "or state".

Amendment adopted.

Also :

Strike out of Section 37, line 14, page 23, of the printed bill, after the word "city" the word "or", and on the same line after the word "county", insert the words "or state".

Amendment adopted.

Also :

Strike out the "period" at the end of line 12, of the title, page 1, of the printed bill, and insert in lieu thereof the following: ". and to repeal Section 17 of an Act approved March 4, 1897, entitled 'An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all Acts and parts of Acts inconsistent with this Act".

Amendment adopted.

Also :

Strike out all of Section 46, on pages 27 and 28, of the printed bill, and insert in lieu thereof the following:

SECTION 46. Section 17 of an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor, approved March 4, 1897," is hereby repealed.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Black, the third-reading file of the special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

On motion of Senator Martinelli, Senate Bill No. 657 was temporarily passed on file, to retain its place.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No. 209 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 33—An Act making an appropriation for the equipment, support and maintenance of the branch agricultural experiment station in Imperial County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Cassidy, Curtin, Estudillo, Hans, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CURTIN IN THE CHAIR.

At four o'clock and fifteen minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

THIRD READING OF SPECIAL APPROPRIATION FILE—(RESUMED).

Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Cassidy, Curtin, Cutton, Estudillo, Hans, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 563 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Cassidy, Curtin, Cutton, Estudillo, Hans, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Shanahan, Strobbridge, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 566—An Act authorizing and directing the director of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for the equipment and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 566 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cassidy, Curtin, Cutton, Estudillo, Hans, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Shanahan, Strobbridge, Tyrrell, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Senate Bill No. 140 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

On motion of Senator Boynton, Senate Bill No. 660 was passed, to be placed on the file as unfinished business.

Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

On motion of Senator Boynton, Senate Bill No. 526 was passed, to be placed on the file as unfinished business.

Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

On motion of Senator Black, Senate Bill No. 650 was passed, to be placed on the file as unfinished business.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 987 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

In Section 1, line 6, of the printed bill, after the word "fowl", insert the words: "Except geese".

Also in line 6, after the word "box", insert the following: "located more than fifty yards from a shore line".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 528, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Also: Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Also: Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Also: Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Also: Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 459, 644, 718, 458, 731, 792, 85, 89, 363, 365, and 422 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling.

Also: Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code relating to the punishment of murder.

Also: Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code relating to the punishment of persons convicted of wrecking railroad trains.

Also: Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Also: Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, use to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Mokelumne River.

Also: Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Also: Assembly Bill No. 1081—An Act to amend section five hundred ninety-five of the Penal Code, relating to the poisoning of animals or bees.

Also: Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Also: Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 11, 135, 136, 156, 240, 313, 700, 1019, 1081, 1452, and 1535 read first time.

Assembly Bill No. 11 ordered referred to Committee on Public Morals.

Assembly Bills Nos. 135, 136, and 1081 ordered referred to Committee on Judiciary.

Assembly Bill No. 156 ordered referred to Committee on Finance.

Assembly Bill No. 240 ordered referred to Committee on Education.

Assembly Bill No. 313 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 700 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1019 ordered referred to Committee on County Government.

Assembly Bills Nos. 1452 and 1535 ordered referred to Committee on Drainage, Swamp, and Overflowed Lands.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and twenty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

Also: Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of more than 250,000 and less than 400,000.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 461?"

Strike out beginning with the word "any" in line 18, of page 2, of the printed bill, and then down to and including all of line 24, and insert in lieu thereof the following:

"No person doing business under a fictitious name, or his assignee or assignees, nor any person doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts made, or transactions had, under such fictitious name, or in their partnership name, in any court of this State until the certificate has been filed and the publication has been made as herein required."

On motion of Senator Bell, the consideration of the foregoing Assembly amendment to Senate Bill No. 461 was temporarily passed, in the absence of Senator Wolfe.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 540?"

In lines 4 and 5 of the title, strike out the words "not less than 300,000 and not more than 400,000", and insert in lieu thereof the following: "more than 250,000 and less than 400,000."

Also: On page 1, Section 1, line 4, of the printed bill, strike out the words: "not less than 300,000 and not more than 400,000", and insert in lieu thereof the following: "more than 250,000 and less than 400,000."

Also: On page 2, Section 3, lines 3 to 7, of the printed bill, strike out the words "and an assistant justices' clerk, each of whom shall hold office at the pleasure of said justices and each shall give such bond to the county for the faithful performance of the duties of their office as said justices may require," and insert in lieu thereof the following: "who shall hold office at the pleasure of said justices and shall give such bond for the faithful performance of the duties of his office as said justices may require."

Also: On page 2, Section 3, line 11, of the printed bill, strike out the words "assistant justices' clerk."

Also: On page 2, Section 4, line 5, of the printed bill, strike out the words "or assistant clerk."

Also: On page 2, Section 4, line 6, of the printed bill, strike out the words "or assistant clerk."

Also: On page 3, Section 5, lines 4 and 5, strike out the words "except those collected for performing the marriage ceremony."

Also: On page 3, Section 6, lines 5, 6 and 7, of the printed bill, strike out the words "said assistant justices' clerk shall receive a salary of one thousand two hundred dollars per year."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 540 by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Holohan, Hurd, Juddard, Larkins, Martinelli, Regan, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—25.

NOES—None.

Senate Bill No. 540 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to rippe grounds and buildings of the Whittier State School.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 364?"

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 364 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—28.

NOES—None.

Senate Bill No. 364 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 373?"

After the word "township", in line 19, of page 2, of the printed bill, insert a comma and the words "irrigation district".

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 373 by the following vote:

AYES—None.

NOES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—29.

SENATOR CURTIN IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER—RESUMED

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 79. An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

Also: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by amending Section 8 thereof and by adding a new subdivision thereto to be known as Subdivision 16.

Also: Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an Act entitled an Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 79?"

On page 1, Section 1, line 3, of the printed bill, after the number "4300a", insert the following: "The county clerk, in addition to the charges provided for in Section 4190, of this code."

Also: On page 1, Section 1, line 9, after the word "petitioner", insert the following: "": provided, that when the public administrator, in his official capacity, is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 79 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—31.

NOES—None.

Senate Bill No. 79 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 192?"

On page 4, line 95, of the printed bill, strike out all after the word "Constitution", and insert a period in lieu thereof.

Also: After the word "exercise", on line 3, page 1, of the title of printed bill, add the following: "by amending Section 8 thereof, and".

Also: After the word "University", on line 52, of page 2, of the printed bill, strike out the "period", and insert a semicolon and the following words: "also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village."

On motion of Senator Boynton, consideration of the foregoing Assembly amendments to Senate Bill No. 192 was temporarily passed, in the absence of Senator Wolfe.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 460?"

On page 1, line 2, of the printed bill, strike out the word "Penal", and insert in lieu thereof the word "Civil".

On motion of Senator Boynton, consideration of the foregoing Assembly amendment to Senate Bill No. 460 was temporarily passed, in the absence of Senator Wolfe.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 296?"

On page 1, line 2, of the printed bill, after the word "manufacturing", insert a comma.

Also: On page 2, line 5, of the printed bill, after the word "beverages", insert "or Worcestershire or other sauce or sauces".

Also: In line 6, page 2, of the printed bill, of Section 2, after the word "beverages", insert "or Worcestershire or other sauce or sauces".

Also: In line 10, Section 3, page 3, of the printed bill, insert after the word "beverages", "or Worcestershire or other sauce or sauces".

Also: In line 11, page 4, Section 4, of the printed bill, insert after the word "beverages", the words "or Worcestershire or other sauce or sauces".

Also: In line 20, page 5, of the printed bill, insert after the word "beverages", the words: "or Worcestershire or other sauce or sauces".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 296 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, and Wright—30.

NOES—None.

Senate Bill No. 296 ordered to enrollment.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Senate Bill No. 633—An Act to supplement an Act known as the "San Diego Seawall Act of 1909," approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 565 and 633 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 565 for consideration, out of order.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 passed by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the Mailing Clerk of the Senate is exhausted, therefore, be it

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of one hundred dollars for expressage and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT.

Chairman Senate Committee on Contingent Expenses.

Sacramento, Cal., March 6, 1911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—29.

NOES—None.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Gates asked for, and was granted, unanimous consent to take up Senate Bill No. 770 for consideration, out of order.

Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 770 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and be re-referred to the Committee on Finance.

STETSON, Chairman.

Assembly Bill No. 381 ordered re-referred to Committee on Finance.
Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Also, Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Also, Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 198, 857, and 798 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the superior court.

Also, Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Also, Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Also, Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Also, Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Also, Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 623, 43, 926, 470, 537, and 1080 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

STETSON, Chairman.

Senate Bill No. 724 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

REGAN, Chairman.

Senate Bill No. 1221 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory Building at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Also: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture, and sewing machines for the girls' cottage of the Whittier State School.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School at Los Angeles.

Also: Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Also: Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and

enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 209, 210, 226, 891, 1143, 288, 615, 616, 165, 166, 330, 331, 345, 975, 1376, and 1379 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School.

Also: Senate Bill No. 64—An Act to provide for the erection and equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 60, 63, 64, and 339 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Also: Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Also: Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano, at the city of Sonoma, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 61, 1037, 1243, and 295 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

Also: Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also: Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Also: Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 217, 1035, 155, and 656 ordered on file for second reading.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of Levee District No. 2 of Sutter County," approved March 23, 1876.

Also: Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 812.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bills Nos. 1068 and 1384 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 493—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of, an exposition in Balboa Park in the said city of San Diego.

Senate Bill No. 493 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 791 for consideration, out of order.

Senate Bill No. 791—An Act to add to the Penal Code of the State of California two new sections, to be numbered Section 654*b* and Section 654*c*, prohibiting any person, firm or corporation from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

On motion of Senator Bills, Senate Bill No. 791 was passed, to be placed on the file as unfinished business.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 8, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Canaceo, I. Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Harp, Hewitt, Holohan, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Setson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—38.

Quorum present.

PRAYER.

Prayer by Rev. Frank K. Baker, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 7, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Assembly Bill No. 883 be made a special order for Wednesday, March 8, 1911, at eleven o'clock A. M.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Concurrent Resolution No. 23—Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

Also: Assembly Concurrent Resolution No. 24—Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

Also: Assembly Joint Resolution No. 12—Relating to a more strict enforcement of the immigration laws.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolutions Nos. 23 and 24 ordered referred to the Committee on Municipal Corporations.

Assembly Joint Resolution No. 12 ordered referred to the Committee on Federal Relations.

SUSPENSION OF RULES.

Senator Juilliard asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 24 placed on file, without reference to committee.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER)

Senator Juilliard asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 24 for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION NO. 24.

Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

WHEREAS, The city of Petaluma, a municipal corporation of the county of Sonoma, State of California, now is and was at all times herein referred to a city containing a population of more than 3500 inhabitants; and

WHEREAS, At a special election duly held in said city on the 30th day of August, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Petaluma; and

WHEREAS, Said charter was on the 26th day of November, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Petaluma, and the other copy with the county recorder of the said county of Sonoma and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Petaluma Courier," being a daily newspaper of general circulation in said city of Petaluma, and the said charter being published as aforesaid for a period of more than thirty (30) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within not less than thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Petaluma to the qualified electors of said city of Petaluma at a special election, previously duly called and therein held on the 14th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Petaluma, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF PETALUMA BY THE BOARD OF FREEHOLDERS ELECTED ON THE THIRTIETH DAY OF AUGUST, A. D. 1910.

- Article 1—Name and rights of the city.
- Article 2—Boundaries.
- Article 3—Powers of the city.
- Article 4—Elections.
- Article 5—Mayor.
- Article 6—The council.
- Article 7—City officers and duties.
- Article 8—Judicial department and police court.
- Article 9—Educational department.
- Article 10—Free public library.
- Article 11—Revenue and taxation.
- Article 12—Public works and supplies.
- Article 13—Franchise.
- Article 14—Recall.
- Article 15—The initiative.
- Article 16—The referendum.
- Article 17—General provisions.
- Article 18—Amendments.

ARTICLE 1.

NAME, RIGHTS AND LIABILITIES OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation, now existing and known as the city of Petaluma, shall remain and continue a body politic and corporate in name and in fact, by the name of "City of Petaluma" and by that name have perpetual succession.

Rights and Liabilities.

SEC. 2. The city of Petaluma shall remain vested with, and continue to have hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

ARTICLE 2.

BOUNDARIES.

SECTION 1. The boundaries of the city of Petaluma are as follows: The mathematical center of the city of Petaluma, shall be a point on the westerly property line of Main street, which point is one foot northerly from the southerly curb line of Western avenue, said point being the southwesterly corner of Main and English streets, as said streets are marked and designated on the Stratton map of the city of Petaluma.

The boundaries of the said city of Petaluma, shall be described as follows: Beginning at a point which shall be $\frac{1}{2}$ of a mile due south from said mathematical center running thence due east $\frac{1}{2}$ of a mile; thence due north, $1\frac{1}{2}$ mile, to a granite monument; thence due west, $1\frac{1}{2}$ mile to a granite monument; thence due south, $1\frac{1}{2}$ mile to an iron monument, said monument being an iron bar two inches in diameter and about four feet long, driven about six inches below the surface of the ground, from which monument the stub of an oak tree, bears S. 68° W. $52\frac{1}{2}$ feet distant. And thence due east $\frac{1}{2}$ mile to the place of beginning, including an area within said limits of two and one fourth square miles.

ARTICLE 3.

POWERS OF THE CITY.

SECTION 1. Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Petaluma shall have the right and power:

Perpetual Succession.

SEC. 2. To have perpetual succession.

Official Seal.

SEC. 3. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Sue and Defend.

SEC. 4. To sue and defend in all courts and places and in all matters and proceedings.

Property for Public Purposes.

SEC. 5. To purchase, receive, have, take, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and Donations.

SEC. 6. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequests, gift or trust, be unconditional.

Public Works, Buildings and Institutions.

SEC. 7. To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the State, public hitching racks and hitching and automobile enclosures, aviary landings, parks, playgrounds, places of recreation, gymnasiums, theatres, fountain baths, public toilets, markets, market houses, abattoirs, dispensaries, hospitals, charitable institutions, infirmaries, jails, houses of correction, and farm schools.

work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.

Telephone, Telegraph and Transportation.

SEC. 8. To acquire by purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Water, Light, Heat and Power.

SEC. 9. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Sale of Products of Public Utility.

SEC. 10. To sell gas, water, electric current and all products of any public utility operated by the city.

and for Public Utilities.

SEC. 11. To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Leases of Property.

SEC. 12. To lease to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Joint Ownership of Water Supply.

SEC. 13. To join with one or more cities or irrigation districts incorporated or organized under the Constitution and laws of the State, in order to acquire and develop jointly the source or sources of water supply for municipal and domestic purposes, and to construct or join in constructing the works necessary for their joint and several purposes and needs, and to unite with such organizations in bond and issue therefor; to enter into contracts of any kind and every nature with persons, firms or corporations to effectuate the acquisition and development of such source or sources of water supply and the distribution, sale or disposal of such water.

Trusts.

SEC. 14. To provide for the execution of all trusts confided to the city.

Eminent Domain.

SEC. 15. To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

Municipal Ownership.

SEC. 16. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

To Borrow Money.

SEC. 17. To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed; *provided* that the aggregate indebtedness of the city shall not exceed ten per cent of the city's assessed valuation.

Special Tax.

SEC. 18. To raise money by special tax, in addition to the annual tax levy provided in Article 11, Section 1 of this charter. To authorize such special tax, the revisions of Article 15 relating to the initiative, or of Article 16 relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election, the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement each year after the same is collected and available.

Police Power.

SEC. 19. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Improvement of Streams.

SEC. 20. To improve the rivers, streams, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, chutes, piers, or bath houses.

Grading and Opening Streets.

SEC. 21. The council shall have the power by ordinance which shall not be in conflict with any street law now on the statutes of the State of California or which in the future will be placed on the statutes of this State and such ordinance may embrace all the powers as is granted by any state law now in existence or which shall be in the future in existence:

To establish and change the grade and lay out, open, extend, widen, change, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds, or cause objectionable shrubs and weeds or any manner of uncleanness or obstruction to be removed and compel the owner of the property to pay for such removal, to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning, and sprinkling of such streets and public places.

Fire Department.

SEC. 22. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Permits to Use Streets.

SEC. 23. To grant permits to use the streets or public property revokable at any time without notice, provided that no street shall be closed or any building erected thereon.

Regulation of Rates.

SEC. 24. To regulate and establish rates and charges to be imposed and collected by any person or persons, corporation or firm, for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Violation of Charters and Ordinances.

SEC. 25. To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Nuisances.

SEC. 26. To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisances.

Rewards.

SEC. 27. To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Engines and Boilers.

SEC. 28. To regulate the use of steam engines, gas engines, cupola furnaces, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

SEC. 29. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

SEC. 30. To regulate the construction and location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity

for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

SEC. 31. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions Against Fires.

SEC. 32. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prohibit the carrying on of manufactories liable to cause fire, to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

SEC. 33. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

SEC. 34. To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper; to require street cars and local trains to be public; to prohibit the making up of railroad trains on any of the street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

SEC. 35. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and Rubbish on Sidewalks.

SEC. 36. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs.

SEC. 37. To regulate, license or prohibit the construction and use of billboards and signs.

Public Pound.

SEC. 38. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Preservation of Health.

SEC. 39. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and Offensive Occupations; Disagreeable Noises.

SEC. 40. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who may permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of Food Products.

SEC. 41. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

SEC. 42. To provide for the regulation and inspection of all dairies, slaughter-houses and creameries that offer for sale any of their products in the city.

Lodging, Tenement and Apartment Houses.

SEC. 43. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

SEC. 44. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

SEC. 45. To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal, rubbish and waste matter.

Licensing Business.

SEC. 46. To license for purpose of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and Measures.

SEC. 47. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

SEC. 48. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

SEC. 49. To order the paying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

SEC. 50. To fix the fees and charges for all official services not otherwise provided for in this charter.

Purchase of Property Under Execution.

SEC. 51. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

SEC. 52. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Street Grades.

SEC. 53. To establish or change the grade of any street or public place.

Light and Water.

SEC. 54. To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

SEC. 55. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Article 15 or Article 16 of this charter.

Regulation of Public Utility Rates.

SEC. 56. To fix and determine by ordinance in the month of February of each year, and to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephonic service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

SEC. 57. To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

SEC. 58. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the track occupied by the company, and to sprinkle the same.

Spur Tracks.

SEC. 59. To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufacturing, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof, and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the street by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

SEC. 60. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and Location of Pipes.

SEC. 61. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

SEC. 62. To make all rules and regulations governing elections not inconsistent with this charter.

Park Commission.

SEC. 63. To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

National Independence.

SEC. 64. To allow not to exceed three hundred dollars in any one year for the celebration of the anniversary of our national independence.

Entertainment and Promotion.

SEC. 65. May expend such sum as the council shall deem proper for entertainment and promotion from the revenue of the city.

General Grant of Power.

SEC. 66. To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the State, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do or perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

City Water Front.

SEC. 67. Said city of Petaluma shall have no power to sell, dispose of or convey any portion of any water front but may rent or lease such water front for a term not exceeding five years.

General Laws Followed.

SEC. 68. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this State, where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

Direct Legislation by the People.

SEC. 69. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city.

River Improvement.

SEC. 70. To acquire by purchase or otherwise and own, operate and control all machinery and all appliances necessary for the improvement of the river.

Liberal Construction.

SEC. 71. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE 4.

ELECTIONS.

SECTION 1. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are to be of two kinds: general municipal elections and special municipal elections.

The first general election under this charter shall be held on the second Tuesday of April, 1911, and the second general election shall be held on the second Tuesday of June, 1913, and all other general municipal elections shall be held on the second Tuesday of June of each second year thereafter.

All general and special municipal elections of said city are to be held in accordance with the provisions of the law of the State governing the holding of general elections.

The conduct and carrying on of all city elections shall be under the control of the council and the mayor. The council shall by ordinance make provision for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections and change or alter such precincts and redistrict the municipality for such elections as often as circumstances may require, provided no change is made in the boundaries of the election precincts; they shall remain as fixed for the election of state and county officers at the last general election preceding the municipal election.

Remuneration.

SEC. 2. The remuneration of the election officers at municipal elections shall be fixed by the council.

Follow General Law.

SEC. 3. The provisions of the general laws of the State governing the elections for state and county officers, not inconsistent with the revisions of this charter, shall govern city elections in matters of which no provision is made in this charter and the city council and city clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on boards of supervisors and county clerks concerning elections.

Returns.

SEC. 4. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the city council. After having been canvassed, they shall be sealed up and kept by the city clerk for six months, and no person shall have access to them, except on the order of a court of competent jurisdiction.

On the first Monday after the election and at their usual time and place of meeting, the city council shall meet and canvass the returns and declare the results.

Certificate of Election.

SEC. 5. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

All elective officers shall take office at twelve o'clock, noon, on the first Monday in July after the result of the election shall have been officially declared, and shall hold office for such term as in this charter provided and until the election and qualification

of their successors; *provided*, that the first officers elected under this charter who are to serve for two years shall take office on the third Monday of April, 1911, and hold office until the first Monday in July, 1913, and those who are to serve under this charter for four years shall hold office from the third Monday of April, 1911, until the first Monday in July, 1915; *provided*, that the first council under this charter at their first meeting shall so classify themselves by lot that three of their members shall go out of office on the first Monday in July, 1913, and thereafter three members of the council shall be elected for a term of four years at each general municipal election.

ARTICLE 5.

Mayor.

SECTION 1. The chief executive officer of the city of Petaluma shall be the mayor. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city five years immediately preceding his election.

SEC. 2. The mayor shall be the presiding officer of the council. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council, and he shall have the right to be present at the meetings of all of its standing and special committees.

SEC. 3. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of the city of Petaluma are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, tumults, for which purpose he may use the police force and, in case such force is insufficient, may call upon the Governor of the State for military aid.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employees of the city and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employees of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically, honestly administered and conducted. He shall employ a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examinations. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the mayor, and may be removed as for malfeasance in office, and he shall submit the report to the city council at the next meeting.

SEC. 5. When any defalcation, wilful neglect of duty or other official misconduct by, or on the part of any officer or employee of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall, with consent of the council, cause legal proceedings to be instituted and prosecuted, in the name of the city of Petaluma, against all persons failing, in whole or in part, to fulfill their agreements with said city.

SEC. 7. The mayor shall have power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

SEC. 8. The mayor shall sign all conveyances made by the city of Petaluma and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment and shall sign all warrants ordered drawn by the council.

SEC. 9. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office the vice-president of the council shall act as mayor during such temporary absence or disability. When a vacancy occurs in the office of the mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term. The mayor shall exercise such other powers and perform such other duties as may be prescribed or conferred in this charter, by law, or the ordinances of the city.

ARTICLE 6.

The Council the Governing Body.

SECTION 1. All powers herein granted to and vested in the city of Petaluma shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Petaluma. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with

all powers of legislation in municipal affairs adequate to the complete system of local government consistent with the Constitution of the State. The council shall consist of the mayor and six councilmen.

President and Vice-President.

SEC. 2. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 3. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be Public.

SEC. 4. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 5. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules and Proceeding.

SEC. 6. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and Resolutions.

SEC. 7. The council shall act only by ordinance or resolution.

Ayes and Noes.

SEC. 8. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

Majority Vote of Council.

SEC. 9. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the council.

Title.

SEC. 10. Every ordinance shall be preceded by a brief title which shall indicate the subject and purpose thereof.

Enacting Clause of Ordinances.

SEC. 11. The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Petaluma do ordain as follows:" and the ordaining clause of all ordinances adopted in accordance with the provisions of Article 15 shall be, "The People of the City of Petaluma do ordain as follows:".

Requirements of Ordinances.

SEC. 12. No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Petaluma at least three days before its adoption; or at the discretion of the council to be posted at least in three public places, and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. All city ordinances must be codified.

Ordinance Required in Certain Cases.

SEC. 13. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishment or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

SEC. 14. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

SEC. 15. All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

SEC. 16. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

SEC. 17. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances.

SEC. 18. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioners.

SEC. 19. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 20. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 7 of Article 14, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

Persons Imprisoned.

SEC. 21. The council may cause any person or persons imprisoned for the violation of any state law or city ordinance to labor on the streets or property of the city.

Vacancy in Council.

SEC. 22. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy, provided the appointee shall receive the affirmative votes of at least four members of the council.

ARTICLE 7.

CITY OFFICIALS.

SECTION 1. The city officials of the city shall be mayor, city clerk, auditor, assessor, treasurer, tax and license collector, chief of police, police judge, superintendent of streets, to be elected at the general city election for a term of two years; six councilmen, five members of board of education, five library trustees, to be elected at the general city election for a term of four years; three park commissioners, five members of the board of health, five fire commissioners, city engineer, city attorney and chief of the fire department, shall be appointed by the council; said appointed officers may be removed at any time, by five affirmative votes of the council.

SEC. 2. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions, and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Consolidation.

SEC. 3. Whenever the public interest may require, the council may consolidate the following offices:

- (a) Clerk and auditor.
- (b) City engineer and superintendent of streets.
- (c) Tax and license collector and assessor.
- (d) Treasurer and tax and license collector.

Until the council shall by ordinance otherwise provide, the office of the city clerk and auditor and the office of assessor and tax and license collector are hereby consolidated.

City Clerk.

SEC. 4. The city clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by the other officers or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council, and keep a full true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book, marked "Records of the City Council." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall draw and sign all warrants upon the treasurer, except as otherwise in this charter provided, specifying thereon the fund upon which said warrants are drawn. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf and be presented to the clerk. Before approving the same he shall satisfy himself that the claim is unpaid. After such examination he shall approve or reject the claim, in whole or in part, and endorse on such demand his approval or rejection over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim, or any part of it, be rejected, the city clerk shall return it with his reasons for rejecting it, then if it be allowed by a majority vote of all members of the council or other body authorizing it, it shall be passed in the same manner as if it had not been rejected. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specify on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the city clerk in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order allowed. No demand upon the treasury shall be allowed by the city clerk in favor of any person who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the collection, care, custody or control of public funds, unless the accounts of such person have been presented, passed, approved and allowed as is or may be required by law. He shall enter upon the assessment roll all the charges and corrections made by the board of equalization and deliver the assessment roll to the auditor. He shall act as clerk to the board of equalization without extra compensation. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinances; he shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor.

The Auditor.

SEC. 5. The auditor shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Tax and License Collector's Account," in which he shall charge the tax and license collector with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the tax and license collector with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book, marked "City Attorney's Account," and shall therein charge said city attorney with all delinquent tax lists delivered him and credit him with money paid and delinquent tax lists returned. Each of the foregoing books shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The auditor shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed

and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the auditor shall apportion the taxes upon such assessment roll, and make out and deliver to the tax and license collector a tax list, taking his receipt therefor. It shall not be necessary to make a duplicate assessment roll. He shall make a monthly statement, in writing, showing the receipts and expenditures of the city for the preceding month, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be printed and a copy thereof mailed to each taxpayer. It shall be his duty to be constantly acquainted with the exact condition of the treasury. On application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, he shall certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. Upon the written order of the treasurer directing him to issue a receipt for money paid into the city treasury, he shall charge the treasurer with the amount and give the person paying the same a discharge therefor. It shall be his duty to apportion among the several funds all public money at any time in the city treasury not by law or ordinance specifically apportioned and appropriated and forthwith notify the treasurer of such apportionment or appropriation. He shall, on the first Monday of each month or oftener, if required, report in writing to the council, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city finances. After the taxes have been duly levied by the council, he shall make the proper calculations, and extend upon the said assessment roll the amount of taxes due from each person, firm or corporation, and deliver said book, so completed, with his certificate attached thereto to the tax and license collector, on or before the first Monday in October of each year, or at such other time as may be directed by ordinance. The auditor shall approve all warrants and endorse his approval thereon and he shall perform such other duties as are or shall be imposed upon him by this charter or ordinances.

City Assessor.

SEC. 6. It shall be the duty of the city assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person or persons, firm or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing county assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by county assessors. All of said assessments shall be verified by his oath, and shall be returned to the city clerk on or before the first Monday of July in each year. After such time the assessment roll shall remain in the custody of the city clerk until required by law to be delivered to the auditor. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment collect the tax levied upon personal property from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the city treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the auditor at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the board of equalization and perform such duties as the council may direct. The council may by ordinance further define and declare his duties.

City Treasurer.

SEC. 7. There shall be a city treasurer, who shall receive and keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited as in this charter provided, and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt, when payable.

7a. He shall receive no money into the city treasury, unless accompanied by the certificate of the auditor provided for in Section 5 thereof. He shall issue to any person paying money into the city treasury an order to the auditor directing the auditor to issue a receipt to such person, which order shall contain a statement of the amount paid into the city treasury, the name of the person paying the same, and the fund to which the same is applied.

7b. He shall make a report at the close of business each month, showing all moneys received during the month, together with the number of each order for a receipt given by him therefor, and from whom received, and to what fund applied.

7c. The treasurer may loan public funds, in excess of five thousand dollars or such an amount as may be required to pay current expenses, as provided by the general laws of the State of California.

Tax and License Collector.

SEC. 8. There shall be a tax and license collector. He shall collect all taxes, general and special, all city licenses, and such other branches of the city revenue not otherwise provided for as the city council may by ordinance direct, and pay the same over to the treasurer daily. He shall at all times keep proper books showing in detail the amount of money received; by whom, at what time and for what purpose paid; and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection.

8a. Whenever any person required by any city ordinance to take out a license shall fail, or neglect, or refuse to take out such license, and pay therefor in the manner and at the time as such ordinance provides, or, if any person required to take out any license, shall transact, do or carry on any business, trade or occupation, without having first procured the requisite license for such trading or carrying on, the license collector shall report such delinquent to the chief of police, who shall at once take such delinquent into custody, and the city attorney shall prosecute said delinquent in the manner provided by law.

Chief of Police.

SEC. 9. There shall be a chief of police. The department of the police shall be under the direction of the chief of police. He shall have all the powers given to peace officers under the laws of this State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on sheriffs by the laws of the State. His orders shall be promptly executed by the police officers, peace officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all processes issued to him by legal authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the city prison. He shall perform all duties imposed upon him by the ordinances of the council.

Superintendent of Streets.

SEC. 10. There shall be a superintendent of streets. It shall be his duty to see that the laws, ordinances, orders and regulations, relating to the sewers, drains, levees, streets, alleys and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers and drains, and keep himself informed of the condition of all public streets and highways and also of all sewers and levees and report the same to the city council.

10a. He shall perform such other duties as are hereinafter specified, or as the council may require of him; and he shall have the power and shall perform the duties required of the superintendent of streets under the provisions of the general statutes of the State of California now in force or which may be hereafter enacted. He shall keep a public office in the city, as provided by the city council, and shall keep therein the records of his office and a register of all streets, alleys, sewers and drains, and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see that the laws, ordinances and regulations relating to the public streets and highways are carried into execution, he and his sureties shall be liable upon his official bond in consequence of said official neglect. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office shall be delivered to his successor in office.

City Attorney.

SEC. 11. There shall be a city attorney, who shall be an attorney at law, duly admitted to practice before the Supreme Court of this State. It shall be his duty to prosecute on behalf of the people, all criminal cases before the police court and all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may direct an attorney, to take charge thereof, or to assist the city attorney therein.

11a. The city attorney shall give his advice or opinion in writing to the mayor, council, board of education or other city officers, whenever required to do so, and do such other things appertaining to his office as the council may require of him. He shall pass upon the sufficiency and validity of all bonds given to and all contracts

made with the city. He shall, when required by the council, or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city.

11b. He shall receive the delinquent tax list and receipt therefor, he is authorized to bring suit in the name of the city of Petaluma in the proper court for the collection of any tax or license.

11c. He shall attend all meetings of the council. The salary of the city attorney shall be full consideration for all services rendered except when he is required to appear in the Superior Courts.

11d. He shall prepare all street improvement bonds issued by the city treasurer.

City Engineer.

SEC. 12. There shall be a city engineer who shall be appointed by the city council, and shall hold office at their pleasure.

12a. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the city council.

12b. He shall possess the same power in said city, in making surveys, plats and certificates, as is or may be from time to time given by law to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the county surveyor. He shall make all surveys, inspections and estimates required by the city council.

12c. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with the full index thereto and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates and other memoranda and surveys, and other professional work made or done for the city by him, or under his direction, or control, during his term of office, shall be the property of the city.

Chief Engineer of Fire Department.

SEC. 13. The fire department of this city shall consist of companies of volunteer or paid firemen as the council may determine, organized into engine, hose and hook and ladder companies. The council shall appoint the chief and assistant engineers of the department. The chief of the fire department shall give such a bond to the mayor as required by this charter or by ordinance. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fire when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management and direction of the companies that constitute the fire department of this city and shall perform such other duties as may be ordinance of said city or by law, be imposed upon him. His compensation shall be fixed by the council. The chief engineer shall also be ex officio fire marshal.

13a. The chief and the assistant engineer, while in the discharge of their duties, shall be vested with all the powers of arrest and detention vested in police officers. The chief, or during his absence, the assistant engineer, may, during a conflagration cause to be cut down or otherwise removed, any building or structure when deemed necessary for the purpose of checking such conflagration.

Health Department.

SEC. 14. There shall be a health department under the management of the board of health. Said board shall consist of five members, namely: The mayor, who shall be ex officio a member and president of said board, and the city engineer, who shall be ex officio a member of said board, and three citizens, who shall be appointed, without regard to their political opinions, by the council, within fifteen days after the commencement of their term of office. The mayor shall not have the right to vote unless in case of a tie. At least two of the appointed members of the board shall be duly licensed physicians, in accordance with the laws of the State of California, and qualified electors of the city for one year immediately preceding their appointment. Said members shall serve without compensation, except the member serving as health officer, who shall receive such compensation as the council shall prescribe.

14a. The terms of office for the appointed members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the date of their appointment; if any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made, for the unexpired portion of the term of said member.

14b. Regular meetings of the board of health shall be held once a month, and special meetings when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum.

14c. Said board of health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city.

14d. The council shall, by ordinance, or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

14c. The board of health, within two weeks from the time of its organization, shall elect from among their number a city physician, who shall also act as health officer, and secretary of the board of health. Said city physician shall not be less than thirty years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city; he shall hold his office during the pleasure of the board of health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the board of health, are properly enforced. He shall keep a full record of all transactions of the board of health, as well as all records appertaining thereto, and, by himself, or his deputy, issue all permits for burial, or removals in any of the cemeteries, and no interments shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection; he shall have the powers of a police officer, and shall make an extended and annual report to the board of health of the affairs pertaining to his office, including mortality and other statistics, with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits, with a view to the enforcement of all laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

14f. The board of health may cause to be removed to a smallpox hospital or pest house, any person in said city affected with the smallpox, Asiatic cholera, or yellow fever, or leprosy. When a case of either of these diseases exists in any house, and the person so affected is not removed to said hospital or pest house, the health officer, upon order of said board of health, shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

14g. The board may proclaim such quarantines and declare such quarantine districts and grounds, and the boundaries thereof, as may be in their judgment necessary for the preservation of the public health.

14h. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city, without having first obtained and filed with the health officer a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, and locality, and cause of death of deceased, and obtain from the health officer a permit in writing therefor for burial or other purposes. Physicians, when death occurs in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the coroner. No body of a human being who has died within the limits of the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains.

14i. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the council or by general law.

Park Commission.

Sec. 15. The several tracts or parcels of land belonging to the city of Petaluma, known as parks or plazas, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of three commissioners which shall be termed the board of park commissioners.

15a. The said board shall be appointed by the council. The council first elected under the provisions of this charter shall, within one month after taking their office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified. All commissioners must be at least twenty-five years of age and residents of the city of Petaluma at the time of their appointment.

15b. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; two members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

15c. Said board of park commissioners shall have full power and authority to manage, control and govern the parks of the city of Petaluma and provide for the maintenance and improvements thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their

salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks.

15d. The council shall annually include in the general tax levy, a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks. All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council.

15e. The board of park commissioners shall annually on the first Monday in July, present to the council a full report and statement of its proceedings during the past fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

15f. The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

Fire Commission.

SEC. 16. The board of fire commissioners shall consist of five members as follows: The chairman of the finance committee of the city council, the chief of the fire department, and three members to be appointed by the city council from the volunteer fire department, as long as said department is in existence.

Said board of fire commissioners shall have full control of the fire department and the alarm system of said city. It shall be their duty to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires, to order the placing of hydrants, fire alarm boxes and cisterns for the said purpose, to provide means for the proper loading and hauling of apparatus and to construct buildings for the proper housing of the same, to draft and prescribe rules and regulations for the government of said department and to see that the same are carried into effect. To employ or dismiss any member thereof; *provided*, that said dismissal shall be only for cause; to fix the compensation of the members of said department and of all employees connected therewith.

They shall act as firewardens and shall see that the ordinances of the city regulating the fire limits, the construction of buildings and the storage of combustible materials and explosives within the city are enforced and carried into effect. They shall furnish the city council not later than the first Monday in July of each year, with an estimate of the amount of funds necessary for the fire department for the ensuing year, and it shall be the duty of the council to include in said tax levy a sufficient and proper amount for the successful conduct of such department and the payment of the expenses thereof, which tax when collected shall be set aside, as a separate fund for the support and maintenance of said department.

All bills against said fund must be approved by the said commission in writing, before being presented to the city council, who upon approval shall direct the auditor to draw a warrant upon the said fund for the same.

The chairman of the finance committee shall be the presiding officer of said commission.

Said commission shall meet at least once a month and the members thereof shall serve without compensation.

The chief engineer of the fire department and his assistants shall be appointed by the city council and serve at the pleasure of said council.

This commission shall have power to appoint fire police.

The city clerk shall act as clerk for said commission without any additional compensation.

Bonds of Officers.

SEC. 17. Officers and employees of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or ordinance of the city.

17a. All official bonds shall be approved or rejected by the council by an order entered on the minutes.

17b. The bond of the city clerk shall be filed with the mayor and all other bonds shall be filed with the city clerk. Official bonds must be recorded in the office of the county recorder of Sonoma County.

17c. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

City clerk	\$1,000 00
Auditor	2,000 00
Attorney	2,000 00
Superintendent of streets	2,000 00
City engineer	2,000 00
Chief of police	2,000 00
Tax and license collector	20,000 00
Assessor	5,000 00
Treasurer	40,000 00
Police judge	1,000 00
Chief of fire department	1,000 00

17d. The city council may at any time by ordinance change the penal sum of such bonds.

17e. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties, who shall justify in the amount required for said bond; but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawful authorized surety companies described in the Code of Civil Procedure of the State of California.

17f. Each surety upon an official bond required by any ordinance of the city, or by this charter, must severally justify in the manner prescribed by law for the justification of sureties upon bonds of county officers.

17g. The council by resolution adopted at a regular meeting, may require of any officer or employee a bond or additional bond whenever in the opinion of said council the bond given by such official or employee for any reason becomes insufficient.

17h. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants, or clerks appointed by him, and may exact for his protection, bonds for such deputies, assistants, and clerks.

17i. No officer, elected or appointed, serving in any capacity for the city shall receive in any manner, any fee, perquisite, emolument in addition to his salary as fixed by this charter, or that may be hereafter fixed by the council or ordinance.

17j. In addition to the duties of city officers enumerated in this charter, officers must be guided by the provisions of the general laws of the State of California.

Salaries of Officers.

17k. The yearly salaries or compensations of the officers of the city for the first term of office under this charter, shall be as follows: City clerk and auditor, fifteen hundred (\$1500.00) dollars; city attorney, six hundred (\$600.00) dollars; superintendent of streets, twelve hundred (\$1200.00) dollars; chief of police, twelve hundred (\$1200.00) dollars; tax and license collector and city assessor, nine hundred (\$900.00) dollars; city treasurer, six hundred (\$600.00) dollars; police judge, five hundred (\$500.00) dollars. The compensation of the city engineer shall be fixed by the council; and it is hereby provided that the council may change any such salary or compensation by ordinance or resolution before the beginning of a term, excepting the first term. All salaries or compensation shall be payable monthly.

17l. The mayor and each member of the city council shall receive a compensation of one hundred and fifty (\$150.00) dollars per year, which amount shall include their compensation for service as a member of the board of equalization.

ARTICLE 8.

JUDICIAL DEPARTMENT—POLICE COURT.

SECTION 1. There is hereby created in and for the city of Petaluma, a court which shall be known as the police court of the city of Petaluma.

SEC. 2. Said court shall consist of one judge who shall have attained the age of thirty years and shall be a duly qualified elector of said city.

SEC. 3. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed by the city ordinances and in which the sum sued for does not exceed three hundred dollars.

SEC. 4. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' courts in all matters and things in which said

justices' courts now or may hereafter have jurisdiction, and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of the justices' courts.

SEC. 5. Appeals may be taken to the Superior Court of the State of California, in and for the county of Sonoma, from the judgments and orders of said police court, in all cases in which appeals now or may hereafter be taken to said Superior Court from said justices' courts and police courts.

SEC. 6. In all proceedings in and appeals from said police court the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court.

SEC. 7. Upon the sickness or disability of the judge of said police court, he may cause to preside in his place any qualified justice of the peace of the county of Sonoma.

SEC. 8. Said police court shall be open for the transaction of business at all times.

SEC. 9. The city council shall provide a court room and court room accommodations, dockets, blanks and stationery free of charge for the court.

SEC. 10. All fines and other moneys received or collected by the judge of said police court, for or on account of the city of Petaluma, shall be paid into the city treasury on the first Monday in each month.

SEC. 11. The chief of police shall attend or assign a police officer for attendance on said court to preserve order therein, and enforce its orders and serve its process.

SEC. 12. All actions and proceedings pending and undetermined in the existing city recorder's court shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been actually commenced in said police court.

ARTICLE 9.

EDUCATIONAL DEPARTMENT.

SECTION 1. The school department of the city of Petaluma shall comprise all the schools within the city of Petaluma, the Petaluma city school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as "Petaluma city school district," which shall succeed to all the obligations, property, rights, and privileges of the Petaluma city school district. It shall consist of primary, grammar and high schools as now established or that may hereafter be established, and may, at the discretion of the board of education include technical, industrial, kindergarten and night schools, *provided*, that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

SEC. 2. All territory included within the limits of the Petaluma city school district or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 3. The government of the school department of the district shall be vested in a board of education, to consist of five members to be called members of the board of education, and who shall receive no compensation. Members of the board of education shall be elected by the qualified electors of the district at the regular municipal election, and shall hold office for a term of four years and until their successors are elected and qualified; *provided* that the first board of education under this charter shall meet on the first Monday after the election of its members shall have been officially declared and shall so classify themselves by lot that three of their members shall go out of office at the expiration of two years and two at the expiration of four years.

SEC. 4. In case a vacancy shall occur on the board of education the remaining members of the same shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

SEC. 5. The board of education shall meet on the first Monday after the election of its members shall have been officially declared, and shall organize by electing one of their number president, and they shall also elect a secretary who may be a member of the board and fix his salary, and shall meet thereafter at such times as may be designated by resolution, and in the place provided for them by the city council. Special meetings may be called by the president of the board of education or by three members of said board united in a call. All meetings of said board shall be public.

SEC. 6. A majority of the board shall be a quorum and the affirmative vote of a majority of the board shall be necessary to pass any measure, but a less number may adjourn from day to day and compel the attendance of absent members, in such manner as the board may prescribe.

SEC. 7. The powers and duties of the board of education are as follows:

7a. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

7b. To manage and control the school property.

7c. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

7d. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect, the laws relating to education.

7e. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books other than those published by the State, shall be used in said schools, but any text-book adopted by the board, shall not be changed within a period of four years after its adoption.

7f. To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7g. To build, alter, repair, rent and provide schoolhouses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

7h. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the district, and to make, in the name of the district, conveyances of all such real estate belonging to the district and sold by the board of education; *provided*, that no real estate shall be bought, sold or exchanged without the concurrence of four fifths of the members of the board of education; *and, provided further*, that the proceeds shall go into the general school fund of the district.

7i. To sue for any and all lots, land and property, and to prosecute and defend all actions of law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

7j. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

7k. To prohibit any child under six years of age from attending any public school excepting kindergarten.

7l. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the board of education shall be the sole judge.

7m. To admit non-resident children to any of the departments of the schools at their discretion, upon payment, at such time as the board of education may direct, of tuition fees, to be fixed by the board of education.

7n. To dispose of at public or private sale such personal property as shall be no longer required by the department.

7o. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

7p. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the district, and shall be kept in the libraries of the school when not in use.

7q. And, generally, to do and perform such other acts as may be required by the general law applicable to the districts, and as may be necessary and proper to carry into force and effect the powers conferred on said board of education, and to increase the efficiency of the public schools in the district.

7r. No teacher shall be elected or appointed to a position in the school department of the district, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California grammar grade or high school certificate, in full force; *provided*, that this section shall not be so construed as to deprive any person who is employed as a teacher in the schools of the district at the time of the adoption of this charter.

SEC. 8. The president of the board of education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, or other matter relating to their official duties.

SEC. 9. All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be determined by the board of education after due notice, published for not less than ten days in one daily paper of the city.

SEC. 10. The city attorney shall be the attorney of the board of education.

SEC. 11. All claims payable out of the school funds shall be filed with the secretary of the board of education, and shall be approved by a majority of the board. After claims have been approved, the secretary of said board shall draw warrants upon the proper school fund for the payment thereof, which warrants shall be signed by the president and one other member of the board and countersigned by the secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly, in the same manner, without presentation therefor.

SEC. 12. The board of education shall not have the power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the funds under the control of the board of education and justly applicable for school purposes for such year.

ARTICLE 10.

FREE PUBLIC LIBRARY.

SECTION 1. The free public library shall be under the management of a board of five trustees who shall be elected by the qualified electors of the city: *provided*, that the first board of library trustees under the charter shall take office on the third Monday of April, 1911, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years, otherwise their term of office shall be for four years. On the Tuesday succeeding every general municipal election the board of library trustees shall organize by choosing one of their number president. They shall also elect a secretary who may be a member of the board who shall hold office during the pleasure of said board.

SEC. 2. The position of library trustee shall be one of honorary trust without salary, or compensation, and all appointments made by the board of library trustees shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age and must have been residents of said city at least two years prior to their election.

SEC. 3. The city council shall, in making the annual tax levy, and as a part thereof, levy a rate which shall not exceed ten cents on each hundred dollars of the assessed value of the taxable property of the city, for the purpose of maintaining said library and purchasing books, journals, and periodicals.

SEC. 4. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation, or bequests, said board shall provide for the safety and preservation of the same and the application thereof to the use of said library in accordance with the terms and conditions of said donation or bequest.

SEC. 5. The board of library trustees shall meet at least once each month and a majority constitute a quorum, but no business shall be transacted by said board of trustees without the concurrence of three of its members, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 6. The board of library trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared, or created for such library and reading rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer or assistant.

Fourth—To purchase necessary books, publications and other personal property.

Fifth—To fix salaries of the librarian and assistants, and other employees, to rent and equip such building or buildings, room, or rooms, as may be necessary for such library and reading rooms.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.

SEC. 7. Said board on or before the last day of June shall make a report to the council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing, the number of those loaned, and such other statistics, information and suggestions as may be of general interest; and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE 11.

REVENUE AND TAXATION.

SECTION 1. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax

levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of one hundred cents for each one hundred dollars of assessed valuation as the same appears upon the assessment roll.

SEC. 2. The council shall set aside from each year's tax collections a sum not less than five per centum of said amount for a river and harbor fund which can not be used for any other purpose.

ARTICLE 12.

PUBLIC WORK AND SUPPLIES.

Form of Contracts.

SECTION 1. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Petaluma by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC. 2. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 3. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids, if deemed excessive, and re-advertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 4. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

Contracts for Lighting.

SEC. 5. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Hours of Labor.

SEC. 6. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 7. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed

than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 8. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE 13.

FRANCHISES.

Property Rights of the City Inalienable

SECTION 1. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 2. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to Use Streets.

SEC. 3. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, or highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for Franchises.

SEC. 4. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it propose to grant the same, shall, or on petition signed by qualified and registered electors equal in number to twenty per centum of the entire vote cast at the last preceding municipal election, requesting it to grant the same, must advertise the fact of said application together with a statement that it is proposed to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed ordinance making such grant. The publication of such advertisement must be run in the said paper in five successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and certification duties of the clerk in respect thereto, provided in Article 14 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

Conditions of Grant.

SEC. 5. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be granted, and if it be a street, suburban or interurban railroad, the route traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; *provided* that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent during the next five years, not less than three per cent during the rest of the life of the franchise.

Bidding for the Franchise.

SEC. 6. At the time of opening the sealed bids, any responsible person, firm or corporation, present in person or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid, therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

SEC. 7. Every application and bid for franchise under this article shall be accompanied by a cash deposit of five hundred dollars (\$500.00), or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open Competition.

SEC. 8. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Bond.

SEC. 9. The successful bidder of any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond upon franchise shall by the council be granted by ordinance, subject to the provisions of Section 23 of this article to the person, firm, or corporation to whom it shall have been struck off, sold or awarded, and in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be re-auctioned and again offered for sale in the same manner and under the same restrictions as hereinafter provided.

Life of Franchise.

SEC. 10. The maximum length of time for which a franchise or privilege to use the streets, highways or other parts of the city may be granted to any person, firm or corporation shall be forty (40) years.

Beginning and Completion of Work.

SEC. 11. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time said franchise shall be forfeited; provided, that if good cause is shown, the council shall by resolution extend the time for completion thereof not exceeding three months.

Regulation of Grants, Franchises and Privileges.

SEC. 12. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper services and accommodations for the people and insure their comfort and convenience.

Rates and Charges.

SEC. 13. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of the City to Assume Ownership.

Sec. 14. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance the city at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No Conveyance Necessary for City's Ownership.

SEC. 15. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in the payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which it was granted become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise.

Sec. 16. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Paving.

Sec. 17. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books, Audit.

Sec. 18. The city of Petaluma by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city, or of such person, firm or corporation, arising from this charter, or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual Reports of Company.

Sec. 19. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the city of Petaluma for the year immediately preceding such report.

Such report shall contain such further statements as may be required by the council concerning the character and amount of business done, and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of Gross Receipts.

Sec. 20. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for Non-compliance.

Sec. 21. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with

any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

Franchise Not in Use Forfeited.

SEC. 22. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Manner of Granting and Renewing Franchises.

SEC. 23. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by the majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council granting such franchise, or a renewal or extension thereof. It shall be the duty of the council to provide for said elections. Said elections shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such elections shall read as follows:

For the franchise, Yes.

For the franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE 14.

RECALL OF ELECTIVE OFFICERS.

Applies to All Elective Officers.

SECTION 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for Recall.

SEC. 2. A petition signed by qualified electors equal in number to thirty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons of the demand.

The Petition.

SEC. 3. The forms and conditions of the petition and the mode of verification and certification and filing shall substantially follow the general laws of the State of California, with such modification as the nature of the case requires.

Election Under Recall Petition.

SEC. 4. If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of Recall. Officer's Justification.

SEC. 5. In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set in the recall petition, and in not more than two hundred words the officer may justify his course in office; and both the reasons for recall and answer of the officer as printed and mentioned in this section, shall be mailed together with a sample ballot to each qualified voter.

Candidates. Election.

SEC. 6. The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Article 4, Section 1.

Incumbent Removed.

SEC. 7. The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election and, if he fail of election, he shall be deemed removed from office.

No Recall Petition for the First Three Months.

SEC. 8. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of Recalled Official.

SEC. 9. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

SEC. 10. The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 15.

THE INITIATIVE.

Direct Legislation.

SECTION 1. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

The Petition.

SEC. 2. The forms and conditions of the petition and the mode of verification and certification, and filing shall substantially follow the general laws of the State of California with such modification as the nature of the case requires.

Fifteen Per Cent Petition.

SEC. 3. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote, under the provisions of Article 16 of this charter); or

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Fifteen Per Cent Petition.

SEC. 4. If the petition be signed by electors equal in number to at least fifteen per centum, but less than twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration shall be then submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency in such ordinance.

Publication of Popular Ordinance.

SEC. 5. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

SEC. 6. The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several Ordinances at One Election.

SEC. 7. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections.

SEC. 8. There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of Popular Ordinance.

SEC. 9. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further Regulations.

SEC. 10. The council may by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 16.

THE REFERENDUM.

Mode of Protesting Against Ordinances.

SECTION 1. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by the vote of five members of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure. If during said thirty days said petition signed by registered electors of the city equal in number to fifteen per cent of the total number of votes cast for mayor at the last preceding regular municipal election protesting against passage of such ordinance, be presented to the council the same shall thereupon be suspended from taking effect until the expiration of sixty days from the date of its final passage. It shall be the duty of the council to reconsider such ordinance within ten days after the attachment of the clerk's certificate of sufficiency to said petition; and if, upon such reconsideration, the said ordinance be not entirely repealed, the protestants shall have the right to file additional petitions of remonstrance at any time prior to the expiration of said period of sixty days. In the event that any petitions of remonstrance containing in the aggregate the signatures of the twenty-five per cent of the registered electors of the city be presented to the clerk within said period of sixty days, the council must submit the ordinance, as is provided in Article 15, of this charter, to the vote of the electors of the city, either at the next regular municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of the state law of California respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of Measures to Popular Vote.

SEC. 2. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further Regulations.

SEC. 3. The council must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 17.

GENERAL PROVISIONS.

SECTION 1. No appointive officer, whether under salary or not, and no deputy of any city officer or employee of the city receiving pay from the city—except firemen without pay—shall be eligible to hold any other public office while in the employment of or holding office under the city government, except notaries public or members of the national guard. For a violation of any of the provisions of this section, such position or office shall immediately become vacant, and the compensation of such person offending shall terminate.

SEC. 2. The word "City" wherever it occurs in this charter, means the city of Petaluma, and every department, board, or officer, whenever mentioned in this charter, means a department, board or officer, as the case may be, of the city of Petaluma.

SEC. 3. No officer of the city shall absent himself from the state except upon the written consent of the mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

SEC. 4. No officer of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by the city. If any person in this section designated, shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city, or any department or officer thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devoted upon him by law, he shall forfeit his office, and all such contracts shall be void, and shall not be enforced against the city.

SEC. 5. All officers of the city of Petaluma, elective or appointive, shall, in addition to the duties herein prescribed perform such duties as may be imposed by ordinance or by the general laws of the State of California.

SEC. 6. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

SEC. 7. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the police department shall not be subject to such inspection, except permission be given by the chief of police.

SEC. 8. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been guilty of malfeasance in office, bribery, or other infamous crime, or who, in any capacity, has embezzled public funds.

SEC. 9. The fiscal year mentioned in this charter shall commence with the first day of July and end with the thirtieth day of June following.

SEC. 10. Any elected or appointed officer, except a member of the council may be suspended. And any appointed officer may be removed by the council for cause. The council shall appoint some person to discharge the duties of the office during the period of such suspension. Any elected officer suspended by the mayor may be removed after due process of law. When the mayor shall suspend any elected or appointed officer from office, he shall immediately notify the council of such suspension and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

SEC. 11. Whenever special meetings are called of the council, board of education, or any other board of the municipality, notice thereof shall be served on each member personally. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 12. No person shall be eligible to hold office in this city, whether elective or appointive, unless he be an elector therein and have resided within its present limits for at least two years next preceding the date of such election or appointment, except superintendent, principals and teachers of the public schools, engineers, and as herein otherwise provided.

SEC. 13. It shall be the official duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city or with any officer or department thereof, relating to the business of any officer, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employee, as in case of malfeasance in office.

SEC. 14. All claims against the city must contain a statement that every item in such claim has occurred within one year immediately preceding the filing of such claim, and no claim shall be valid against the city unless presented within one year from the date the article, labor, commodity, or service was furnished or contract performed; *provided, however,* that nothing herein contained shall deprive any person of the right to bring suit against the city upon any claim which has been rejected or refused payment by the council, if such claim was properly filed with the city clerk within the time above specified.

SEC. 15. No privy, vault or cesspool shall be permitted upon any premises adjoining a lateral sewer.

SEC. 16. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe and file with the city clerk, the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of—naming the office—to the best of my ability."

SEC. 17. The council of the present city of Petaluma shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 18. All acts of the Legislature relating to the city and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall

be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any formal act or regulation, when this charter takes effect, shall remain unimpaired; and all actions and proceedings commenced in any court wherein the city is a party, shall be continued under the law existing when said action or proceeding was commenced. No business of, or pending before any officer or department of the city at the time this charter takes effect shall be discontinued or abandoned by reason thereof, but the same shall be carried on and completed by or before the proper officer or department herein provided for.

SEC. 19. Except as otherwise in this charter provided for, all officers of the city shall keep their respective offices open for the transaction of business during such hours as may be prescribed by the council.

SEC. 20. No officer elected or appointed serving in any capacity for the city, shall receive in any manner fees, perquisites or emoluments in addition to his salary as fixed by the charter or salaries that may hereafter be fixed by the council by ordinance, provided that this section shall not apply to the office of city engineer.

One-twelfth Law.

SEC. 20. Neither the municipal council, the board of education, nor any other board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of this city, or the funds thereof, which shall, in the aggregate, exceed one-twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment or liability, to be expended within the fiscal year of which said month is a part; *provided, however*, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of this city and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the municipal council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of this city and all officers of this city are hereby charged with notice of the condition of the treasury of this city and the extent of the claims against the same. *Provided*, that in case of calamities or for greater protection from fire, the provisions of this section may be vacated.

Indebtedness not to Exceed Moneys Provided.

SEC. 20a. The council shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes, except in the manner provided by law for incurring indebtedness; *provided*, that the city during the first year of its existence under this act may incur indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided.

ARTICLE 18.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the Legislature as provided in the Constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

SEC. 2. The petition herein provided for must be made, presented, examined and certified to in the manner and form required for petitions under the general laws of the State of California.

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

CHARTER EFFECTIVE.

For the purpose of the qualification and of the nominating of candidates and electing of city officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature, and for all other purposes said charter shall take effect and be in force from and after the third Monday in April, 1911, immediately after the result of the said election is officially declared.

The present board of trustees of the city of Petaluma shall provide for holding an election to elect for the first term of office, the officers created by this charter, and shall canvass the returns and declare the result of such election and cause certificates of election to be issued to the several officers declared to have been elected at such election.

The city officers in office, at the time of approval of this charter, shall continue to hold their respective offices until the result of the said election is officially declared.

CERTIFICATE.

WHEREAS, The city of Petaluma, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the thirtieth day of August, 1910, at a special election held under and in accordance with the provisions of section eight of Article XI of the Constitution of the State of California, did elect J. L. Camm, E. E. Drees, Chas. H. Egan, M. H. Fredricks, Dr. H. S. Gossage, Wm. J. Hickey, A. W. Horwege, A. Kahn, John Lawler Sr., F. H. Myers, Wm. J. Palmer, W. C. Stradling, H. Schluckebier, H. H. Weber and Wm. H. Zartman a board of freeholders to prepare and propose a charter for said city.

BE IT KNOWN, That pursuant to the provisions of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Petaluma.

Done in duplicate.

IN WITNESS WHEREOF, We have hereunto set our hands this 26th day of November, 1910.

WM. H. ZARTMAN.

President of the Board of Freeholders.

JOHN L. CAMM.

E. E. DREES.

C. H. EGAN.

M. H. FREDRICKS.

H. H. GOSSAGE, M.D.

W. J. HICKEY.

A. W. HORWEGE.

A. KAHN.

JOHN LAWLER.

F. H. MYERS.

WM. J. PALMER.

W. C. STRADLING.

HENRY SCHLUCKEBIER.

H. WEBER.

Attest:

C. H. EGAN,

Secretary of the Board of Freeholders.

Filed this 26th day of November, 1910, at four P. M.

WM. C. KEIG.

President of the Board of Trustees of the City of Petaluma, California.

STATE OF CALIFORNIA.

COUNTY OF SONOMA.

CITY OF PETALUMA.

} ss.

I, W. C. KEIG, president of the board of trustees of the city of Petaluma, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter, were on the 30th day of August, 1910, at a special municipal election held in said city of Petaluma on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Petaluma Courier", a daily newspaper which then was a daily newspaper of general circulation in said city and that said publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within and not less than thirty (30) days after the publication of said charter, as required in said Section 8 aforesaid, to wit, on the 14th day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Petaluma on the 20th day of February, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Petaluma to be affixed this 21st day of February, 1911.

[SEAL.]

WM. C. KEIG,
President of the Board of Trustees
of the City of Petaluma.

Attest: J. A. PEOPLES,

City Clerk and ex officio Clerk of the Board of Trustees
of the City of Petaluma.

AND, WHEREAS, Said proposed charter has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without the power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), that said charter of the city of Petaluma adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of said city of Petaluma.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—8: Axtors, Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Finn, Hare, Holohan, Juilliard, Martinelli, Rogan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—25.

NOES—None.

Assembly Concurrent Resolution No. 24 ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE OFFICE, SACRAMENTO, CAL., March 8th, 1911.

To the Senate of the State of California:

I return herewith without my approval Senate Bill No. 673, entitled "An Act to regulate bakeries or bakeshops," etc.

By the first section of the Act in question, it is provided, among other things: "No cellar or basement not used as a bakery on the date of the passage of this Act shall be used as a bakery hereafter; and no cellar or basement used as a bakery on and after the date of the passage of this Act, shall, when once closed or used for another purpose than that of a bakery, ever again be opened or used for a bakery." The other provisions of the Act relate to the sanitary conditions of bakeries, rooms used for the manufacture of flour, meal, etc. With the sanitary conditions imposed by the Act, I am in full accord. I find, however, that under an Act now in force, approved March 6, 1909, conditions even more stringent than those set forth in Senate Bill No. 673 were imposed, and upon investigation, I have ascertained that the conditions imposed by the Act of 1909 are being enforced by the State Board of Health. The Senate bill which I have this day vetoed places the duty of enforcement of the provisions thereof upon the Commissioner of the Bureau of Labor Statistics. I believe sanitary conditions can be better enforced by the State Board of Health, as provided in the Act of 1909.

My principal objection, however, to your bill is found in its prohibition of the use of a cellar or basement for the purposes named. I take it the design of the Act is, after all, to provide for those who are engaged in the particular occupations mentioned, clean, wholesome and healthful places wherein to perform their work. If a basement shall be, as required by the Act of 1909, well plastered, ceiled, painted and washed, and maintained in clean, healthful and sanitary condition, properly lighted, drained, plumbed and ventilated, and "conducted with strict regard to the influence of such conditions, upon the health of the operators, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled and sold," the purpose contemplated by your Bill No. 673 is fully accomplished; and the law now requires all of these things. The duty of enforcing that law is placed upon the State Board of Health. Under the law as it now exists, any evil endeavored to be reached by your bill can at once be remedied. In addition to the State law, many municipalities have stringent regulations upon the subject. In San Francisco there are two inspectors of bakeries, and local laws exist by the enforcement of which all that is sought by your Act may speedily and summarily be accomplished. In Los Angeles there are also local

ordinances, and an inspector whose duty it is to enforce them. It is represented to me that contracts are in existence, buildings in process of construction, in the city of Los Angeles, wherein, according to the plans, the particular bakeries are located on basement floors, and were your law to become operative, the damage done to the property would be quite irreparable. In nearly all of our cities, the hotels maintain their bakeries upon their basement floors, and maintain as well many other kinds of occupations there. It will be readily recalled by you, that barber shops, billiard halls, cafés, restaurants, and in some instances places of barter and sale are, in conjunction with hotels, conducted upon the basement floors, and in nearly every instance, the sanitary conditions have been carefully provided for so that those thus engaged may not suffer in health.

If the purpose of the law is as I have stated, that purpose is more broadly described in Section 1 of the statutes of March 6, 1909, and by that Act of 1909 more fully carried out without doing special injury or causing unnecessary hardship.

For the reasons given, I have vetoed the bill.

Respectfully submitted,

HIRAM W. JOHNSON,
Governor of California.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 673 sustained by the following vote:

AYES—None.

NOES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—33.

RESOLUTION.

The following resolution was introduced:

By Senator Roseberry:

Resolved, That E. O'Brien, Clerk of the Committee on Manufactures and Internal Improvements, and Frank Dowd, clerk of the Committee on Banking, be and they and each of them are hereby dropped from the list of attaches of the Senate, and their names, and each of them, are hereby stricken from the pay roll of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Caminetti, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—26.

NOES—None.

PRESENTATION OF BILLS, ETC.

Senator Finn offered, and sent to the desk for introduction, a bill.
Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the Committee Substitute for Senate Bill No. 512—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places

and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 512 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Also: Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Also: Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

Also: Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also: Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Also: Senate Bill No. 676—An Act to amend section thirteen hundred thirteen of the Civil Code of the State of California, relating to devises or bequests by will.

Also: Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Also: Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to theatres, concert halls, moving pictures, moving picture shows, nickelodeons, and penny arcades, or other place of amusement, and fixing the penalty for the violation thereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 726, 881, 882, 1061, 1081, 676, 691, and 964 ordered on file for third reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BILLS, Chairman.

Senate Bill No. 1250 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Also: Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also: Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

Also: Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work.

Also Assembly Bill No. 312 An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for violation thereof.

Also Assembly Bill No. 357 An Act for the regulation and control of fraternal benefit societies.

Also Assembly Bill No. 507 An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Also Assembly Bill No. 706 An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnew's State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also Assembly Bill No. 720 An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also Assembly Bill No. 859 An Act to provide for the appointment of humane officers, with the power of peace officers, to have the authority in any city or county, or city and county in the State of California.

Also Assembly Bill No. 1030 An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Also Assembly Bill No. 1142 An Act to amend Section 791 of the Political Code, relating to notaries public.

Also Assembly Bill No. 795 An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 2, 15, 113, 310, 312, 357, 507, 706, 720, 859, 1030, 1142, and 795 read first time.

Assembly Bills Nos. 2, 310, 720, and 859 ordered referred to Committee on Finance.

Assembly Bill No. 15 ordered referred to Committee on Judiciary.

Assembly Bill No. 113 ordered referred to Committee on Education.

Assembly Bills Nos. 312 and 357 ordered referred to Committee on Corporations.

Assembly Bill No. 507 ordered referred to Committee on County Government.

Assembly Bills Nos. 1030 and 795 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 1142 ordered referred to the San Francisco Delegation.

MOTION.

Senator Black announced that Assembly Bill No. 706 is identical with Senate Bill No. 650, and moved that Assembly Bill No. 706 and Senate Bill No. 650 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 750 and Senate Bill No. 706 ordered referred to Committee on Engrossment and Enrollment.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment

No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 23?"

On page 3, of the printed resolution as amended, strike out the sentence commencing in line 53 with the words "any person", and concluding in line 56 with the words "without nomination."

Also: On page 7, line 205, of the printed resolution as amended, after the word "counties" insert a comma.

Also: On page 2, line 31, of the printed resolution, strike out the period after the word "circulated", and insert in lieu thereof a semicolon (;).

Also: On page 7, line 203, of the printed resolution, strike out the words "or city", and insert in lieu thereof the following: "city or town".

Also: On page 7, beginning in line 205, of the printed resolution, strike out the words "more than", and all of lines 206 and 207, and insert in lieu thereof the following: "any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Constitutional Amendment No. 23 by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Caminetti, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rush, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Walker, Welch, and Wright—29.

NOES—None.

Senate Constitutional Amendment No. 23 ordered to enrollment.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Constitutional Amendment No. 33 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Also: Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Also: Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee

and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 430 and 1026 ordered on file for second reading.

Assembly Bill No. 1094 ordered on file for second reading.

MOTION.

Senator Boynton announced that Assembly Bill No. 720 is identical with Senate Bill No. 526, and moved that Assembly Bill No. 720 and Senate Bill No. 526 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 720 and Senate Bill No. 526 ordered referred to Committee on Engrossment and Enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 656 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 12, Section 29, line 3, after the word "power", insert the following: "*provided*, that a chauffeur as young as fourteen years of age may operate a motor cycle".

Amendment adopted.

Also:

On page 13, Section 30, line 5, after the word "years", insert the following: "*provided*, that a person as young as fourteen years of age may operate a motor cycle".

Amendment adopted.

Also:

On page 13, Section 30, line 6, after the word "vehicle", insert the words "or a motor cycle".

Amendment adopted.

Also:

On page 13, Section 30, line 13, after the word "vehicle", insert the following: "or motor cycle".

Amendment adopted.

Also:

On page 13, Section 32, line 10, after the word "repair", strike out the word "and", and insert in lieu thereof a comma.

Amendment adopted.

Also:

On page 13, Section 32, line 10, after the word "improvement", insert the words "and construction".

Amendment adopted.

Also:

On page 15, Section 35, line 4, strike out all of the section following the words "Secretary of State", and insert the following: "who shall receive a salary of twenty-four hundred dollars per annum; one office deputy, who shall have charge of the registration of motor cycles, at an annual salary of eighteen hundred dollars; two deputies, at an annual salary of eighteen hundred dollars each, who shall assist in office work, and who shall also do field duty to assist police and other local authorities in the enforcement of the provisions of this Act, such deputies to have authority as state police, and to be empowered to enter garages, or the premises of manufacturers or dealers, or other persons, and to examine all motor vehicles wherever found for the purpose of ascertaining whether the owners of such vehicles have complied with the provisions of this Act relating to registration, and to examine persons acting as chauffeurs to ascertain if such persons are complying with the provisions of this Act; and such deputies shall be empowered to make arrests for the violation of the provisions of any state law relating to motor vehicles or chauffeurs; the Secretary of State may also appoint two clerks at an annual salary of sixteen hundred dollars each, one clerk and stenographer at an annual salary of sixteen hundred dollars, and five extra clerks at a monthly salary of one hundred and twenty-five dollars each, to be employed for the period of four months in each year.

Amendment adopted.

Also:

On page 5, Section 6, strike out all of the section, beginning with line 3, and insert in lieu thereof the following:

"For vehicles of not more than twenty horse power, three dollars."

"For vehicles of more than twenty horse power, and not more than thirty horse power, five dollars."

"For vehicles of more than thirty horse power, and not more than forty horse power, seven dollars and fifty cents."

"For vehicles of more than forty horse power, and not more than fifty horse power, ten dollars."

"For vehicles of more than fifty horse power, and not more than sixty horse power, twelve dollars and fifty cents."

"For vehicles of more than sixty horse power, fifteen dollars."

"For motor cycles, two dollars."

"Local manufacturers, or agents or dealers having entire state territory, shall pay a registration fee of twenty-five dollars; agents or dealers with less than entire state territory, ten dollars."

Amendment adopted.

Also:

On page 7, Section 13, line 6, strike out the word "teritory", and insert in lieu thereof the word "territory".

Amendment adopted.

Also:

On page 7, Section 13, line 11, strike out the words "one mile in three minutes", and insert in lieu thereof "twenty-five miles per hour".

Amendment adopted.

Also:

On page 12, Section 28, line 2, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Also:

On page 12, Section 29, line 1, strike out the word "eighteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also :

On page 12, Section 30, line 1, strike out the word "eighteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also :

On page 13, Section 30, line 5, strike out the word "eighteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also :

On page 13, Section 30, line 5, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Also :

On page 13, Section 30, line 8, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Also :

On page 13, Section 30, line 9, strike out the word "eighteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also :

On page 13, Section 30, line 13, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cassidy, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Juilliard, Larkins, Lewis, Rogan, Roseberry, Rush, Shanahan, Strobridge, Thompson, and Walker—25.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was introduced :

By Senator Burnett :

WHEREAS, The money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the Mailing Clerk of the Senate is exhausted; therefore, be it

Resolved, That the State Controller be, and he is hereby directed to draw his

warrant in favor of the Secretary of the Senate for the sum of one hundred dollars for expressage and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT,
Chairman Senate Committee on Contingent Expenses.

Sacramento, Cal., March 8, 1911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Gates, Hans, Haro, Hewitt, Holohan, Juilliard, Larkins, Lewis, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Walker—25.

NOES—None.

By Senator Burnett:

WHEREAS, The Secretary of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore be it

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Secretary of the Senate for the various sums set out herein below, amounting to the sum of \$1,088.14, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

BURNETT,
Chairman Senate Committee on Contingent Expenses.

Sacramento, Cal., March 8, 1911.

Romington Typewriter Co., San Francisco	\$3 00
Wahl Stationery Co., Sacramento	305 60
Alex. Anderson, Sacramento	21 00
Brown & Power Co., San Francisco	258 90
H. H. Tracy, Sacramento	25 00
Bender-Moss Co., San Francisco	142 00
Postal Telegraph Company, Sacramento	332 64

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Curtin, Gates, Hans, Hewitt, Holohan, Juilliard, Larkins, Lewis, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—25.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 833, the same was taken up for consideration.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

On motion of Senator Bell, Assembly Bill No. 883 was temporarily passed on file, to retain its place.

THIRD READING OF SENATE BILLS, ETC.—(RESUMED).

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

On motion of Senator Thompson, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Senate Bill No. 490 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1013 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Camacho, Campbell, Cassidy, Curtin, Gates, Hans, Hewitt, Holohan, Hard, Juchaud, Larkin, Lewis, Regan, Rush, Shanahan, Stetson, Strohbridge, Thompson, Farrell and Wright—27.

NOES—None.

Title read and approved,

Bill ordered transmitted to the Assembly.

Senate Bill No. 512 (Committee Substitute for —An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and repealing an Act entitled "An Act to provide for work upon and construction of sidewalks and curbing within municipalities," approved March 6, 1909, and an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and the amendments thereto.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 512 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated

towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 14.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1132 was temporarily passed on file, to retain its place.

Senate Bill No. 1133 (Committee Substitute for —An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1133 was temporarily passed on file, to retain its place.

Senate Bill No. 939 —An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68½.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 939 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 940 —An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, thereof and by adding new Sections 12a, 52, 53, and 84 thereto.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 940 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1171 —An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

On motion of Senator Curtin, Senate Bill No. 1171 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding

a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California, relating to the judicial department of the State, and creating a court of impeachment.

On motion of Senator Wright, Senate Constitutional Amendment No. 3 was passed to be placed at the foot of the file.

SENATE CONCURRENT RESOLUTION NO. 10.

Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

WHEREAS, There is growing and standing along the northern coast of California which can be found at no other place in the world, a magnificent forest of *Sequoia sempervirens*, commonly known as redwood, composed of the most beautiful trees known to man; and

WHEREAS, These great trees are found at their best in Humboldt County, some attaining a diameter of twenty-five feet and an altitude of over three hundred feet; and

WHEREAS, This great forest is being rapidly destroyed by sawmills and in a few years will be entirely gone; and

WHEREAS, The State should take some action to preserve a portion of this splendid forest for a public park so that those who may come hereafter may see and know the beauties and splendor of these great forests, the like of which nowhere exist except in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That a committee to consist of two Senators and two Assemblymen be appointed by the President of the Senate and the Speaker of the Assembly, respectively, for the purpose of selecting and recommending to the fortieth session of the Legislature a site for a public park composed of redwoods, the same to be located in Humboldt County and at a place convenient of access to the citizens of the State.

That the expenses to be incurred under authority of this resolution shall not exceed in the aggregate the sum of six hundred dollars and such amount shall be payable one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly.

The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the commission and filed by the chairman of the said commission, and the State Treasurer shall pay the same.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Holohan,

Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Walker, Welch, and Wright—32.
 NOES—None.

Senate Concurrent Resolution No. 10 ordered engrossed and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 978 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 996 ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Senate Constitutional Amendment No. 32 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

Senate constitutional amendment read.

On motion of Senator Roseberry, Senate Constitutional Amendment No. 45 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

Senate Joint Resolution No. 23 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Senate Bill No. 899 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Senate Bill No. 987 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Senate Bill No. 1211 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

On motion of Senator Holohan, Senate Bill No. 1242 was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock M., Hon. A. E. Boynton, President pro tem of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 530—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shotguns or pump guns.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stetson moved a call of the Senate.

Motion carried.

Time, twelve o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Marinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Wright—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and fifteen minutes P. M., Senator Cassidy was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and seventeen minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Birdsall.

The roll of absentees was called, and Senate Bill No. 530 refused passage by the following vote:

AYES—Senators Birdsall, Caminetti, Cartwright, Cutton, Finn, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Rush, Stetson, Strobridge, Thompson, and Tyrrell—15.

NOES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Larkins, Lewis, Regan, Sanford, Shanahan, Walker, and Wright—21.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

On motion of Senator Martinelli, Senate Bill No. 1051 was temporarily passed on file, to retain its place.

SUSPENSION OF RULE.

Senator Martinelli moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 45.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State, amending Section 16 of Article XIX, relating to term of office.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the second day of January, A. D. 1911, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Section 16 of Article XIX of the Constitution of said State be amended so as to read as follows:

Section 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however,* that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; *and provided further,* that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 45 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—35.

NOES—None.

Senate Constitutional Amendment No. 45 ordered engrossed, and transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom were referred the following:

Senate Bill No. 1254, by Senator Boynton, entitled "An Act to create a reclamation district to be called 'Reclamation District Number 832,' and providing for the control and management thereof."

Senate Bill No. 1255, by Senator Boynton, entitled "An Act to create a reclamation district to be called 'Reclamation District Number 833,' and providing for the control and management thereof."

Senate Bill No. 1256, by Senator Wolfe, entitled "An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs therealong, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes."

Senate Bill No. 1257, by Senator Finn, entitled "An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California."

Senate Bill No. 1258, by Senator Cutten, entitled "An Act appropriating money to pay the claim of Henry W. Fick against the State of California."

Senate Bill No. 1259, by Senator Thompson, entitled "An Act to require any corporation organized for profit to provide for an annual auditing of its books and accounts by a certified public accountant, defining the duties and powers of such public accountant in relation to any such corporation, and prescribing a penalty for any violation hereof."

Have had the same under consideration, and respectfully recommend that Section 2, of Article IV, of the Constitution be suspended, and the authors be permitted to introduce said bills.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce the bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Boynton: Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District No. 832," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District Number 833," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Wolfe: Senate Bill No. 1256—An Act to authorize certain cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs therealong, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Finn: Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Cutten: Senate Bill No. 1258—An Act appropriating money to pay the claim of Henry W. Fick against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 1259—An Act to require any corporation organized for profit to provide for an annual auditing of its books and accounts by a certified public accountant, defining the duties and powers of such public accountant in relation to any such corporation, and prescribing a penalty for any violation hereof.

Bill read first time, and referred to Committee on Corporations.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes p. m., on motion of Senator Curtin, the hour of recess was extended fifteen minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HURD, Chairman.

Assembly Concurrent Resolution No. 23 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Also: Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporated in, and inclusion thereof within municipal corporations. Also: Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provisions, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26.

Also: Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein, and to provide for the payment of said bonds.

Also: Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Assembly Bills Nos. 291, 1009, 1089, 1526, and 1008 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California, entitled "An Act to provide for temporary floes in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

Also: Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate persons; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

LARKINS, Chairman.

Assembly Bills Nos. 836 and 239 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 1171 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

SPECIAL ORDER SET.

Senator Curtin moved that the further consideration of Senate Bill No. 1171 be made a special order for Wednesday, March 8, 1911, after the second reading of Assembly bills.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to take up Senate Bill No. 490 for consideration, out of order.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Walker, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Beban asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 48 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Read.

The following amendment was submitted by committee:

On page 2, Section 1, line 25, strike out the word "on", and insert in lieu thereof the following: "in".

Amendment adopted.

The following amendments were offered by Senator Beban:

On page 2, line 22, of printed bill, immediately after the word "qualifications", strike out the word "and", and insert in lieu thereof a "comma".

Amendment adopted.

Also:

On page 2, line 23, of printed bill, after the word "compensation", insert the words "and removal".

Amendment adopted.

Also:

On page 2, of printed bill, strike out lines 38 to 50, both inclusive, and insert in lieu thereof the following:

"Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms of which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith are hereby confirmed and declared valid."

Amendment adopted.

MOTION TO RECONSIDER.

Senator Wright moved to reconsider the vote whereby the amendments offered by Senator Beban were adopted.

Motion carried.

MOTION.

Senator Curtin moved that the amendments be printed in the Journal, and that Senate Constitutional Amendment No. 48 retain its place on file, amendments pending.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day, pursuant to your request, has appointed Messrs. Wylie, Slater and Schmitt as a committee on conference to meet a like committee from your honorable body to confer on Senate amendments to Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force, making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

L. B. MALLORY, Chief Clerk of the Assembly.

By A. H. HARLIN, Assistant Clerk.

MOTION.

On motion of Senator Bell, the consideration of the Assembly amendments to Senate Bills Nos. 461 and 192, which on previous day were passed in the absence of Senator Wolfe, were taken up, by and with the consent of Senator Wolfe.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 461?"

Strike out beginning with the word "any" in line 18, of page 2, of the printed bill, and then down to and including all of line 24, and insert in lieu thereof the following:

"No person doing business under a fictitious name, or his assignee or assignees, nor any persons doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts made, or transactions had, under such fictitious name, or in their partnership name, in any court of this State until the certificate has been filed and the publication has been made as herein required."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 461 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Gates, Hans, Hare, Holehan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Walker, Welch, and Wright—28.

NOES—None.

Senate Bill No. 461 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 192?"

On page 4, line 95, of the printed bill, strike out all after the word "constitution", and insert a period in lieu thereof.

Also: After the word "exercise" on line 3, page 1, of the title of printed bill, add the following: "by amending Section 8 thereof, and".

Also: After the word "university" on line 52, of page 2, of the printed bill, strike out the "period", and insert a semicolon and the following words: "also the connec-

tion of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 192 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobridge, and Welch—25.

NOES—None.

Senate Bill No. 192 ordered to enrollment.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bell, the President pro tem., declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Lester Jacobs, of San Francisco.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss M. McLaren and Miss Anna Britton, both of San Francisco.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also: Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Also: Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LARKINS, Chairman.

Senate Bill No. 1079 ordered on file for second reading.

Assembly Bills Nos. 541 and 662 ordered on file for second reading.

MOTION.

Senator Bell moved that Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property—the consideration of which was heretofore set as a special order for Wednesday, March 8, 1911, immediately after the reading of the Journal, be ordered at the foot of the third-reading file of Assembly bills.

Motion carried.

THIRD READING OF ASSEMBLY BILLS, ETC.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

Assembly Constitutional Amendment No. 2 was temporarily passed on file, in the absence of the author, to retain its place.

NOTICE.

Senator Shanahan gave notice that he desired to amend Senate Constitutional Amendment No. 2 when it was taken up for consideration.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

On motion of Senator Strobbridge, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 finally passed by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Walker, and Welch—21.

NOES—Senators Boynton, Burnett, Cartwright, Hewitt, Strobbridge, Thompson, Tyrrell, and Wright—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410*a*, and relating to

the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

On motion of Senator Campbell, Assembly Bill No. 241 was passed, to be placed at the foot of the file.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals.

Read third time.

On motion of Senator Stetson, Assembly Bill No. 903 was temporarily passed on file, to retain its place.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Also: Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Also: Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Also: Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 466, 648, 654, 1173, and 562 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367*d*, defining certain misdemeanors.

Also: Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3285*a*, relating to license of auctioneers.

Also: Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit

asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

And report that the same have been correctly reëngrossed.

CASSIDY, Chairman.

Senate Bill No. 502 ordered transmitted to the Assembly.

Senate Bills Nos. 912, 921, and 959 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

Also: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 10 and Senate Constitutional Amendment No. 45 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also: Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings, destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the state treasury to pay the same.

Have had the same under consideration, and respectfully report that Assembly Bill No. 706 is identical with Senate Bill No. 650, and recommend that Senate Bill No. 650 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of the Standing Rules of the Senate, Senate Bill No. 650 and Assembly Bill No. 706 having been reported identical by the Committee on Engrossment and Enrollment, Senate Bill No. 650—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same—considered withdrawn.

And Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same—ordered on the second-reading file of Assembly bills.

REPORTS OF STANDING COMMITTEE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrössment and Enrollment, to whom was referred Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Have had the same under consideration, and respectfully report that Assembly Bill No. 720 is not identical with Senate Bill No. 526.

CASSIDY, Chairman.

Assembly Bill No. 720 ordered referred to the Committee on Finance.
Senate Bill No. 526 ordered on file for third reading.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands, within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 198 (Committee Substitute for)—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "unlawful".

Amendment adopted.

Also:

On page 1, Section 1, line 6, before the word "intimidate", insert the following: "unlawfully".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 7 and 8, strike out the word "acemning", and insert in lieu thereof the following: "meaning".

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "ceemmercial", and insert in lieu thereof the following: "commercial".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292*a*, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of title after the words "An Act", and insert in lieu thereof the following: "to amend Section 292 of the Civil Code of the State of California, relating to the subscription and acknowledgment of articles of incorporation."

Amendment adopted.

Also:

Strike out in line 1, on page 1, of the printed bill, all after the words "Section 1," down to and including the figures and letter "292*a*", in line 4, and insert in lieu thereof the following:

"Section 292 of the Civil Code of the State of California is hereby amended to read as follows:

292. The articles of incorporation must be subscribed by three or more persons, a majority of whom must be residents of this State, and acknowledged by each before some officer authorized to take and certify acknowledgments or conveyances of real property."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the superior court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

During second reading of the bill, the following amendment was offered by Senator Holohan:

By striking out of Section 1, line 24, the period after the word "afternoons", and inserting in lieu thereof a comma, and adding the following: "*and provided, further, that the public schools of this State shall close on Saturday, Sunday, the first day of January; the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.*"

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 891—An Act making an appropriation to meet the expenses of the collection of state revenues.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 812.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

Senator Gates moved that the consideration of Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—be made a special order for Thursday, March 9, 1911, at eleven o'clock A. M.

Motion carried.

PRESENTATION OF BILLS, ETC.

Senator Campbell offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hare asked for, and was granted, unanimous consent to take up Senate Bill No. 726 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 4 and 5, the words: "for life at the discretion of the jury trying the same", and inserting in lieu thereof the following: "for a term not less than one year".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 726, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print, and reëngrossment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 248, the same was taken up for consideration.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act.

Read third time.

MOTION.

Senator Curtin moved that the rule limiting the time of debate to five minutes be suspended during the consideration of Assembly Bill No. 248.

Motion carried.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By adding after the last word in Section 3, page 2, of printed bill, the following: "Provided, however, that for the purpose of completing any particular piece of work, if any female employee shall be detained in her employment longer than eight hours

in any one day, if such detention is for the purpose of completing such piece of work and does not exceed fifteen minutes beyond said eight hours of said day, the employer shall not be deemed to have violated the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of the special committee of one, and amendment to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Bell, Boynton, Curtin, and Thompson—4.
 NOES—Senators Beban, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobebridge, Tyrrell, Walker, Welch, and Wright—33.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 2, Section 1, line 5, strike out the word "eight", and insert in lieu thereof the following: "nine".

Also: On page 2, Section 1, line 6, strike out the word "forty-eight", and insert in lieu thereof the following: "fifty-four".

Also: On page 2, Section 1, line 8, strike out the word "eight", and insert in lieu thereof the following: "nine".

Also: On page 2, Section 1, line 9, strike out the word "forty-eight", and insert in lieu thereof the following: "fifty-four".

Also: "On page 2, Section 1, line 13, strike out the words "fruit or vegetable", and insert in lieu thereof the following: "fruit, vegetable or foodstuffs."

Also: On page 2, Section 2, add a new paragraph after line 13, to read as follows:

"The provisions of this section in relation to the hours of employment shall not apply when a necessity arises in any of the employments or establishments hereinbefore set out for additional hours of work, *provided*, that such necessity shall be deemed a necessity only upon the making of an affidavit by the responsible head of such industry or establishment that the necessity has arisen therefor and upon the filing of such affidavit with the Bureau of Labor of the State of California; and *provided*, further, that said period of necessity so arising shall in all not exceed sixty days in any one calendar year."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of the special committee of one, and the amendments to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Gates, Hewitt, Holohan, Hurd, Juilliard, Roseberry, Strobebridge, Thompson, Tyrrell, and Wright—14.

NOES—Senators Beban, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Hans, Hare, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Walker, and Welch—24.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 2, Section 1, line 5, strike out the word "eight", and insert in lieu thereof the following: "eight and one half".

Also: On page 2, Section 1, line 6, strike out the word "forty-eight", and insert in lieu thereof the following: "fifty-one".

Also: On page 2, Section 1, line 8, strike out the word "eight", and insert in lieu thereof the following: "eight and one half".

Also: On page 2, Section 1, line 9, strike out the word "forty-eight", and insert in lieu thereof the following: "fifty-one".

Also: On page 2, Section 1, line 13, strike out the words "fruit or vegetable", and insert in lieu thereof the following: "fruit, vegetable or foodstuffs".

Also: On page 2, Section 2, add a new paragraph after line 13, to read as follows:

"The provisions of this section in relation to the hours of employment shall not apply when a necessity arises in any of the employments or establishments hereinbefore set out for additional hours of work; *provided*, that such necessity shall be deemed a necessity only upon the making of an affidavit by the responsible head of such industry or establishment that the necessity has arisen therefor and upon the filing of such affidavit with the Bureau of Labor of the State of California; *and provided, further*, that said period of necessity so arising shall in all not exceed sixty days in any one calendar year."

Also: On page 2, Section 1, line 12, after the word "curing", insert the following: "packing".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendments, refused adoption.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 2, after line 15, add a new section to read as follows:

"SEC. 4. Any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or any express or transportation company employing females and giving to any such employee a half holiday during any working day of the week, may require such employee to work during the other working days of the week such number of hours additional to those provided by law, not exceeding nine hours in any one day, as will equal the hours of the half holiday without violating any of the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of the special committee of one, and the amendments to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Avey, Birdsall, Boynton, Cartwright, Curtin, Gates, Hewitt, Holohan, Hurd, Juilliard, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, and Wright—16.

NOES—Senators Beban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Hans, Hare, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Walker, and Welch—23.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

"On page 2, Section 1, line 13, strike out the period after the word 'vegetable', and insert in lieu thereof a comma and the following 'provided, that when an emergency arises in any of the establishments or industries herein enumerated which threatens to result in loss of property or business to the employer the female employees of such institution or establishment may voluntarily remain and work such additional hours in any one day or week to those therein specified as may be necessary to prevent such threatened loss to property or business; provided, that no female employee shall in any case be required to work more than ten hours in any one day or more than fifty-six hours in any one week; provided, also, that said emergency employment shall not exceed sixty days in any one year.'"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of the special committee of one, and the amendment to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Gates and Wright—2.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Welch—36.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Strobbridge moved to refer to Senator Stetson, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word: "eight", and inserting in lieu thereof the following: "ten".

Also: By striking out of Section 1, line 9, the word: "eight", and inserting in lieu thereof the following: "ten".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of the special committee of one, and the amendments to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Birdsall, Boynton, Estudillo, Gates, Hewitt, Holohan, Hurd, Roseberry, Stetson, Strobridge, Thompson, and Wright—12.

NOES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Hans, Hare, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, and Welch—27.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Wright, as a special committee of one, to amend as follows:

By inserting in Section 1, line 3, after the word "hotel", the word "home".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Committee.

Report read.

The question being on the adoption of the report of the special committee of one.

The roll was called, and the report of special committee of one, and amendment to Assembly Bill No. 248, refused adoption by the following vote:

AYES—Senators Birdsall, Cutton, Estudillo, Hurd, Roseberry, and Wright—6.

NOES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—33.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, and Wright—34.

NOES—Senators Birdsall, Boynton, Hurd, Strobridge, and Thompson—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At six o'clock and fifty minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until eight o'clock and thirty minutes P. M.

RECONVENED.

At eight o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the second-reading file of Senate bills was taken up for consideration, out of order.

Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 737—An Act to amend Section 3 of an Act entitled "An Act to amend sections three, five, six and ten of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889," approved March 24, 1893.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title after the words "An Act", and insert in lieu thereof the following: "To amend section six of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889."

Amendment adopted.

Also:

Strike out all of lines 1, 2, 3 and 4, of Section 1, page 1, and insert in lieu thereof the following:

"SECTION 1. Section 6 of an Act entitled 'An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889, is hereby amended to read as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 701—An Act to amend Section 637a of the Penal Code of the State of California, relating to the killing of birds other than game birds.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, of printed bill, strike out the words "grebe", "tern", "bittern".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done

During second reading of the bill, the following amendments were submitted by committee:

On page 4, Section 5, line 115, strike out the word "required", and insert in lieu thereof the word "prescribed".

Amendment adopted.

Also:

On page 4, Section 5, line 119, strike out the word "performing", and insert in lieu thereof the words "to perform".

Amendment adopted.

Also:

On page 4, Section 5, line 120, after the word "place", insert the word "or".

Amendment adopted.

Also:

On page 4, Section 5, line 120, strike out the word "duplicate", and insert the word "triplicate".

Amendment adopted.

Also:

On page 4, Section 5, line 124, strike out the word "to", and insert in lieu thereof the word "shall".

Amendment adopted.

Also:

On page 4, Section 5, line 125, before the word "contractor", insert the following: "city, one copy thereof shall be held by the".

Amendment adopted.

Also:

On page 4, Section 5, line 125, after the word "and", strike out the word "the", and insert in lieu thereof the following: "one copy thereof".

Amendment adopted.

Also:

On page 4, Section 5, line 125, strike out the word "to", and insert in lieu thereof the word "shall".

Amendment adopted.

Also:

On page 4, Section 5, line 126, strike out the entire line, and insert in lieu thereof the word "owners".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Senate Bill No. 724 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

During the second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 2, line 3, of the printed bill, after the comma insert the words "or portion thereof,".

Amendment adopted.

Also:

On page 1, Section 2, line 4, of the printed bill, strike out the following "or portion thereof,".

Amendment adopted.

Also:

On page 2, Section 2, line 8, after the comma after the word "cooking", strike out the word "but", and insert in lieu thereof the word "and".

Amendment adopted.

Also:

On page 2, Section 2, line 10, of the printed bill, after the period insert the following:

"Provided, that a building of not more than two stories in height, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of not more than four families living independently of each other, and so constructed that each section is arranged to be occupied as the home or residence of a separate family and each section having an entirely independent and separate entrance and stairway from the street or from an outside vestibule on the level of the first floor of said building and with no room, hall, bathroom, water-closet, kitchen, or other convenience used in common by two or more families occupying said building, shall not come within the definition of a tenement house contained in this Act."

Amendment adopted.

Also:

On page 2, Section 2, line 25, after the period insert a new paragraph as follows: "A court bounded on one side and one end by a tenement house and on the remaining side by lot line and the remaining end open to the street or yard is a lot line outer court."

Amendment adopted.

Also:

On page 4, Section 5, line 2, strike out the figures "70", and insert in lieu thereof the figures "75".

Amendment adopted.

Also:

On page 5, Section 11, line 8, strike out the figures "70", and insert in lieu thereof the figures "75".

Amendment adopted.

Also:

On page 6, Section 12, after the period at the end of line 11, add the following: "Except that recesses may be built on the street or yard or a court, provided the depth of same is no greater than the width, and that their area be not counted in computing the area of the court."

Amendment adopted.

Also:

On page 6, Section 13, strike out from and including the word "the" in line 1, to and including the period at the end of line 12, of said section, page 7, and insert in place thereof the following:

"The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths:

<i>Building.</i>	<i>Least width.</i>	<i>Maximum length.</i>
2 stories.....	4 feet.....	16 feet
3 stories.....	4 feet 6 inches.....	25 feet
4 stories.....	5 feet 6 inches.....	30 feet
5 stories.....	6 feet.....	35 feet
6 stories.....	8 feet.....	35 feet
7 stories.....	10 feet.....	40 feet
8 stories.....	12 feet.....	40 feet

The length of outer courts shall not be more than the maximum lengths given in the above table unless six inches be added to the minimum widths for each additional five feet or fraction thereof in length. The lot line outer courts shall have the same minimum width as outer courts, but are not governed by the provision in this section regarding maximum lengths."

Amendment adopted.

Also:

On page 7, of the printed bill, Section 14, line 1, after the word "houses", insert the following: "hereafter erected".

Amendment adopted.

Also:

On page 7, Section 15, line 1, after the period following the figures 15, strike out from and including the word "Lot" in line 1, to and including the period at the end of line 12, and insert in place thereof the following:

"Lot line courts in tenement houses hereafter erected shall have areas and minimum widths in all parts not less than those specified in the following table:

<i>Building.</i>	<i>Square feet.</i>	<i>Least width.</i>
2 stories.....	50.....	4 feet 0 inches
3 stories.....	60.....	5 feet 0 inches
4 stories.....	105.....	7 feet 0 inches
5 stories.....	160.....	8 feet 0 inches
6 stories.....	240.....	10 feet 0 inches
7 stories.....	360.....	12 feet 0 inches
8 stories.....	420.....	14 feet 0 inches

Amendment adopted.

Also:

On page 8, Section 18, line 4, strike out the figures "10", and insert in place thereof the figure "8".

Amendment adopted.

Also:

On page 9, Section 21, line 12, strike out the word "some", and insert in lieu thereof the word "come".

Amendment adopted.

Also:

On page 9, Section 22, line 5, strike out the word "under", and insert in lieu thereof the word "upon".

Amendment adopted.

Also:

On page 11, Section 27, line 11, strike out the words "eight feet six inches", and insert in lieu thereof the words "nine feet".

Amendment adopted.

Also:

On page 13, Section 33, line 1, after the word "house", strike out the word "not".

Amendment adopted.

Also:

On page 13, Section 33, line 2, after the word "shall", insert the word "hereafter".

Amendment adopted.

Also:

On page 16, Section 45, line 8, after the word "beams", insert the following: "brackets the second floor level brackets".

Amendment adopted.

Also:

On page 16, Section 45, line 10, strike out from and including the comma to and including the word "level" in line 11.

Amendment adopted.

Also:

On page 17, Section 47, line 15, after the word "be", and before the word "bread", strike out the words "of wood".

Amendment adopted.

Also:

On page 18, Section 51, line 4, strike out the figures "32", and insert in lieu thereof the figures "31".

Amendment adopted.

Also:

On page 18, Section 56, line 4, after the word "section", strike out the figures "38", and insert in lieu thereof the figures "37".

Amendment adopted.

Also:

On page 19, Section 61, line 3, after the period, insert the following:
"Provided, however, that the health department or other department designated by municipal ordinance for that purpose may exempt any tenement house existing prior to the passage of this Act from the provision in this section above contained, whenever, in the judgment of said department, it would not be detrimental to the health of the occupants of said tenement house and the written permit be signed by an officer of said department authorized so to do and filed in said department as a part of its records; provided, further, that the above exemption shall not apply to extensions of or additions to tenement houses existing prior to the passage of this Act."

Amendment adopted.

Also:

On page 25, Section 82, line 18, strike out the word "thirty-two", and insert in lieu thereof the word "thirty-one".

Amendment adopted.

Also:

On page 29, Section 89, line 7, after the period, insert a new paragraph as follows:
"The provisions of this Act shall be held to be the minimum requirements adopted for the protection, health and safety of the community. Nothing in this Act contained shall be construed as prohibiting the local legislative body of any city from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this Act."

Amendment adopted.

Also:

On page 33, Section 101, line 2, strike out the figures "647", and insert in lieu thereof the figures "315".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER)

On motion of Senator Boynton, the second-reading file of special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 1, of the title, the words "and equipment".

Amendment adopted.

Also:

Strike out of line 3, Section 1, the words "and seventy".

Amendment adopted.

Also:

Strike out of line 3, the brackets and numerals.

Amendment adopted.

Also:

Strike out of line 4, Section 1, the words "and equipping".

Amendment adopted.

Also:

Strike out of lines 6 and 7, Section 1, the words "and for grading and improving the grounds of the same".

Amendment adopted.

Also:

In line 7, Section 1, strike out the words "and equipment to", and insert in lieu thereof the word "shall".

Amendment adopted.

Also:

Strike out of lines 2 and 3, Section 2, of the printed bill, the words "board of trustees of said State Normal School", and insert in lieu thereof the words "person or persons authorized by law to receive the same".

Amendment adopted.

Also:

Strike out Sections 3 and 4, of the printed bill, and insert in lieu thereof the following:

"Sec. 3. Of the money hereby appropriated, the sum of fifty thousand dollars shall become available on and after the first day of July, 1911, and the sum of fifty thousand dollars shall become available on and after the first day of July, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 1, of the title, the words "and equipment".

Amendment adopted.

Also:

Strike out of line 3, Section 1, the word "ten", and insert in lieu thereof the word "nine".

Amendment adopted.

Also:

Strike out of line 3, Section 1, the brackets and numerals.

Amendment adopted.

Also:

Strike out of line 4, Section 1, the words "and equipping".

Amendment adopted.

Also:

Strike out of lines 2 and 3, of Section 2, the words "Board of Trustees of said Normal School", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Also:

Strike out Sections 3 and 4, of the printed bill, and insert in lieu thereof the following:

"Sec. 3. The money herein appropriated shall become available on and after July first, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 64—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 1, of the title, the words "and equipment for", and insert in lieu thereof the following: "of".

Amendment adopted.

Also:

Strike out of line 3, Section 1, the word "ten", and insert in lieu thereof the word "nine".

Amendment adopted.

Also:

Strike out of line 3, Section 1, the brackets and numerals.

Amendment adopted.

Also:

Strike out of line 4, Section 1, the words "and equipping".

Amendment adopted.

Also:

Strike out of lines 2 and 3, of Section 2, the following words: "Board of Trustees of said State Normal School", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Also:

Strike out Sections 3 and 4, of the printed bill, and insert in lieu thereof the following:

"SEC. 3. This Act shall take effect and be in force from and after the first day of July, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, lines 5 and 6 of the title, strike out the words: "and means for the enforcement of the Act" and insert in lieu thereof: "and to appropriate money therefor."

Amendment adopted.

Also:

On page 2, Section 2, line 3, at the end of the word "adulterate" add the letter "d".

Amendment adopted.

Also:

On page 2, Section 2, line 5, after the comma, strike out the remainder of that line; also all of lines 6 and 7, and the first word of line 8.

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the word "that".

Amendment adopted.

Also:

On page 2, Section 3, line 12, after the word "under", strike out the word "such", and insert in lieu thereof the word "the".

Amendment adopted.

Also:

On page 2, Section 3, lines 12 and 13, strike out the words "as may be prescribed by the aforesaid director", and insert in lieu thereof: "adopted by the United States Government for the enforcement of the National Insecticide Act of 1910".

Amendment adopted.

Also:

On page 5, Section 8, line 16, after the word "or", and before the word "the", strike out the word "of", and insert in lieu thereof the word "if".

Amendment adopted.

Also:

On page 5, Section 8, line 25, after the word "arsenic", insert the word "present".

Amendment adopted.

Also:

On page 5, Section 9, line 3, at the end of the line, strike out the word "residing", and on page 6, Section 9, line 4, strike out the first three words "in this State".

Amendment adopted.

Also:

On page 6, Section 9, line 8, after the comma at the end of the line, insert the following: "and an itemized statement showing the articles purchased: or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on every package of insecticide or fungicide sold under such guaranty with the words 'guaranteed by' (the name of the guarantor) under the Insecticide Act of 1910;"

Amendment adopted.

Also:

On page 6, Section 10, line 2, strike out the word "import", and insert in lieu thereof the word "mean".

Amendment adopted.

Also:

On page 7, Section 12, line 12, strike out the word "fifty", and insert in lieu thereof the word "one", and on same line strike out the figures "50", and insert in lieu thereof: "\$1.00".

Amendment adopted.

Also:

On page 7, Section 12, line 13, strike out the word "dollars", and insert "dollar".

Amendment adopted.

Also:

On page 9, Section 16, strike out all of Section 16, and insert in lieu thereof the following:

"SEC. 16. There is hereby provided for carrying out the purposes of this Act, out of any moneys in the state treasury not otherwise appropriated the sum of five thousand dollars for each fiscal year hereafter, beginning with the first day of July, 1911."

Amendment adopted.

Also:

On page 9, strike out all of Section 17 and insert in lieu thereof:

"SEC. 17. All persons charged with the enforcement of execution of any of the provisions of this Act shall not directly or indirectly be interested in the sale, manufacture or distribution of any insecticide or fungicide affected by this Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano, at the city of Sonoma, California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 13, of the printed bill, strike out the period and insert in lieu thereof a semicolon and the following: "; *provided, however,* that said fund for the sixty-third fiscal year (commencing July 1st, 1911) shall not be greater than seven per cent (7%) in excess of the amount received by the University of California under Chapter 329 of the Statutes of 1909 for the fiscal year ending June 30, 1911; *and provided, further,* that such fund for each of the sixty-fourth, sixty-fifth and sixty-sixth fiscal years shall not be greater than seven per cent (7%) in excess of the amount received by the University under this Act for the immediately preceding respective fiscal year."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of Section 1, line 1, of the printed bill, all of the section after the numeral "1", and insert in lieu thereof the following:

"There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand five hundred dollars, for the continuation of the location, survey, and construction of a state highway from a point

known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by a place called Eureka, to Downieville, Sierra County, California. Of the amount herein appropriated six thousand five hundred dollars shall be available on and after July 1, 1911, and the sum of six thousand dollars shall be available on and after July 1, 1912."

Amendment adopted.

Also:

Strike out all of Section 4 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 155 was temporarily passed on file, to retain its place.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Also: Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911.

Also: Senate Bill No. 84—An Act to appropriate money for the completion, and further equipment of the dining hall and kitchen of the California Polytechnic School.

Also: Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 8th day of March, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Bill No. 1141—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 1141 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending

sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies—have had the same under consideration, and respectfully report the same back, and recommend that same be adopted as amended.

ROSEBERRY, Chairman.

Senate Constitutional Amendment No. 53 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Also: Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Also: Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

ROSEBERRY, Chairman.

Assembly Bills Nos. 842, 717 and 827 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 608—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

REGAN, Chairman.

Senate Bill No. 608 ordered on file for second reading.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two *a*, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Finn, Gates, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, together with a minority report recommending that the same do not pass.

STETSON, Chairman.

Senate Bill No. 965 ordered on file for second reading.

MINORITY COMMITTEE REPORT ON SENATE BILL NO. 965.

SACRAMENTO, Cal., March 8, 1911

MR. PRESIDENT: The undersigned members of the Judiciary Committee of the Senate, constituting a minority of said committee, to which committee was referred Senate Bill No. 965, being "An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of conspiracy in certain cases," beg leave to submit the following minority report:

The bill provided that no injunction or restraining order shall be issued unless it is necessary to prevent irreparable injury to property or to a property right. It then proceeds to define property, and in the opinion of the minority of the Judiciary Committee to place an unconstitutional limitation upon property rights by the use of the following language: "And for the purposes of this Act no right to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right".

Under the Constitution of the State of California one of the first declarations of the people is "that all men are by nature free and independent and have certain inalienable rights, among which are those of acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness." The right of protecting property is therefore an inalienable one which is as dear to all Anglo-Saxon people as the right of life and liberty itself. We deny that it is within the power of the Legislature, by a legislative act, to say what is and what is not property. The right to carry on business if that business be a legitimate one is inalienable. The good will of a business owned by an individual, a co-partnership, an association, or corporation has been held to be property from time immemorial. In this respect we consider Senate Bill No. 965 an invasion of constitutional rights and an assault upon the right of property and we therefor respectfully recommend that the bill do not pass.

Respectfully submitted.

LEE C. GATES.
LEROY A. WRIGHT.
N. W. THOMPSON.
MIGUEL ESTUDILLO.
A. E. BOYNTON.
L. H. ROSEBERRY.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I voted with the majority of the committee, but did so because I thought there were excellent features in the bill, and wished to see it considered on the floor of the Senate. I stated at the time I voted that I should not finally vote for the bill unless amended. The amendments I referred to are those suggested in the minority report.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1061 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cutten, Finn, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Walker, and Welch—22.

NOES—Senators Boynton, Burnett, Estudillo, Gates, Stetson, Thompson, and Wright—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 1154—An Act entitled “An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.”

Senate Bill No. 1154 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

On motion of Senator Wright, Senate Bill No. 893 was temporarily passed on file, to retain its place.

Senate Bill No. 571—An Act to provide for the execution and delivery by the state treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled “An Act to survey and dispose of certain marsh and tide lands belonging to the State of California,” approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Read third time.

On motion of Senator Stetson, Senate Bill No. 571 was temporarily passed on file, to retain its place.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Read third time.

On motion of Senator Stetson, Senate Bill No. 925 was temporarily passed on file, to retain its place.

Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Strobbridge moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutten, Estudillo, Gates, Hans, Hewitt, Hurd, Junliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wright—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and twenty minutes p. m., Senator Tyrrell was brought to the bar of the Senate, and, on motion of Senator Thompson, he was excused for absence from the Senate Chamber.

At ten o'clock and twenty-two minutes p. m., Senators Holohan and Tyrrell were brought to the bar of the Senate, and, on motion of Senator Hurd, they were excused for absence from the Senate Chamber.

At ten o'clock and thirty minutes p. m., Senators Caminetti and Finn were brought to the bar of the Senate, and, on motion of Senator Thompson, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-one minutes p. m. further proceedings under the call of the Senate were dispensed with, on motion of Senator Strobridge.

The roll of absentees was called, and Senate Bill No. 964 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Jurland, Lewis, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Walker—23.

NOES—Senators Beban, Black, Bryant, Burnett, Cassidy, Curtin, Finn, Martinelli, Regan, Welch, and Wright—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Lewis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 964 was this day passed.

MEMBERS, SPECIAL URGENCY FILE—RESUMED.

Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1005 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Jurland, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wright—30.

NOES—Senator Tyrrell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An Act to supplement an Act known as the "San Diego Seawall Act of 1909," approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1154 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Walker, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 23 for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION NO. 23.

Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

WHEREAS, The city of Vallejo, a municipal corporation of the county of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than thirty thousand (30,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 11th day of October, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Vallejo; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the mayor of the said city of Vallejo, and the other copy with the county recorder of the said county of Solano and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Vallejo Daily Times" and in the "Vallejo Evening News," each being a daily newspaper of general circulation in said city of Vallejo, and the said charter being published as aforesaid for a period of twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Vallejo to the qualified electors of said city of Vallejo at a special election, previously duly called and therein held on the 21st day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Vallejo, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF VALLEJO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED OCTOBER THIRTH, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF VALLEJO.

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ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the City.

SEC. 1. The municipal corporation now existing and known as the city of Vallejo shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Vallejo, and by such name shall have perpetual succession.

Rights and Liabilities.

SEC. 2. The city of Vallejo shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

SEC. 3. The corporate limits of the city of Vallejo shall be as follows: Commencing at a point where Magazine street intersects with the water front, thence along the south side of Magazine street to the east side of Sixth street, thence along Sixth street to the south side of Benicia avenue, thence along Benicia avenue to the east side of Ninth street, thence along Ninth street to Solano avenue, thence running northerly along Contra Costa street, until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian, thence west along the United States section line to a point in the bay of San Pablo one half of a mile distant from the general western shore-line of Mare Island and the salt marsh, thence southerly in a line parallel with said shore-line to the center of the straits of Carquinez, and following up the center of the straits of Carquinez to a point due south of the point of beginning, and thence in a straight line to the point of beginning.

The streets and avenues herein mentioned have reference to the map of the city of Vallejo drawn by E. H. Rowe, in the year eighteen hundred and sixty-eight, and now on file for record in the office of the county recorder of Solano county.

ARTICLE III.

ELECTIONS.

General and Special Municipal Elections.

SEC. 4. A municipal election shall be held in the city on the first Tuesday in May in the year 1911, and on the first Tuesday in April in 1913 and on the first Tuesday in April in every second year thereafter, and shall be known as the

general municipal election. A second election shall be held, when necessary, as provided in Section 5, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as herein provided and not otherwise.

Condition of Candidacy.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of Nomination Petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA,
COUNTY OF SOLANO. }
CITY OF VALLEJO. } SS.

Precinct No. _____

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ street, Vallejo, for the office of _____, to be voted for at the municipal election to be held in the city of Vallejo on the _____ day of _____, 19____, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. _____ street, Vallejo, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SOLANO. }
CITY OF VALLEJO. } SS.

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____, at No. _____ street, Vallejo, Cal.

Forms to be Supplied by the City Clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification Deputies Under This Charter.

(6) All verification deputies under this charter shall be citizens of the city. They shall be appointed by the city clerk upon written application of not less than five (5) qualified electors of the city. The said application shall set forth that the signers

desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking oaths of signers of certificates in the matter of a petition of nomination of candidates, in proceedings under recall, initiative or referendum provisions, or other matter provided for in this charter, as the case may be. Such verification deputies may administer oaths to electors who desire to affix their signatures to the petition mentioned in the said application, or who desire to revoke their signatures thereto, and for no other purpose. They need not use a seal. Their appointment shall not continue for more than ninety (90) days from the date thereof. They shall not be paid, in whole or in part, directly or indirectly, out of the city treasury.

Date of Presenting Petition and Form Thereof.

(7) A petition of nomination, consisting of not less than twenty-five (25), nor more than fifty (50) individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

Examination of Petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. If a petition be so found insufficient, it may be amended by the presentation to the city clerk of an additional petition containing additional individual certificates. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of Signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate.

(10) Any person whose name has been presented under this section as a candidate, may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of Petitions.

(11) If either the original or the amended petition of nomination be found to conform to the requirements of this section, the city clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Preservation of Petitions.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election Proclamation.

(13) Immediately after such petitions are filed, the city clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Vallejo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days, commencing seven days immediately preceding the election, in not more than one daily newspaper of general circulation published in the city of Vallejo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF VALLEJO.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of Ballot.

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, with precisely the same kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots shall, as to indistinguishability conform to the provisions of this subdivision.

Every Nominee to be on Ballot.

(16) The name of no candidate who has been duly and regularly nominated and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For auditor and ex officio assessor (if any) vote for one."

"For commissioner (if any) vote for (giving number)."

"For school directors (if any) vote for (giving number)."

Space for Voting Cross.

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

(20) The city clerk shall cause to be printed sample ballots identical, except as to the character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of commissioner or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second Election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision would have been entitled to become a candidate for any office except for the

fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of Second Election.

(23) The said second election, if necessary to be held, shall be held two weeks after the first election.

Rules Governing Second Election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only: *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Failure of Person Elected to Qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, in the manner provided in this charter for filling vacancies.

Informalities in Election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections: *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting Machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of Section 5 so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to All Elective Officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by the proceedings provided in this article for the election of a successor to the officer sought to be removed. Such proceedings shall be known as recall proceedings, and shall be as follows:

Petition for Recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of Petition.

(3) The petition for recall shall be substantially as follows:
(Individual Certificate.)

PETITION FOR SUBMISSION OF QUESTION OF ELECTING A SUCCESSOR
(OR SUCCESSORS) TO THE OFFICE OF _____ AT A
SPECIAL MUNICIPAL ELECTION (OR THE GENERAL MUNICIPAL
ELECTION).

(The above heading must be printed in type of 24-point roman face, caps and lower case.)

REASONS FOR THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

REASONS AGAINST THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Vallejo, to the vote of the electors of the city of Vallejo, at a special (or next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify: That I have read the above reasons for and against the recall of said officer and believe that _____ should be recalled; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } ss.
CITY OF VALLEJO. }

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ 19____

(Signed) _____

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to _____ at No. _____ street, Vallejo, California.

Filing and Examination of Petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy to the truth and correctness of the statements made in such certificate.

These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of fifty (50) certificates.

Immediately upon the receipt of such petitions, the city clerk shall indorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose.

If and when the city clerk shall find the said petition or amended petition to conform to the requirements of this charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of Signature.

(5) Any signer of a petition for the recall, the initiative or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And in case said revocation is filed with the city clerk before the said petition is filed by the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of Intention to Circulate Petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: A statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after filing of such affidavits.

Election Under Recall Petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general or special municipal election.

Petition for Non-performance. Life of Petition.

(8) If the city clerk or any member of the council shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of Recall. Officer's Justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Recall Ballots.

(10) On the ballots at every election at which a question of recall is to be determined there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be removed from office, in case he shall be removed from office. The nomination of candidates for places on such ballots shall be made in the same manner as provided in Article III in this charter, excepting that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declares in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots at municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of municipal elections.

Election.

(11) The election under recall proceedings, shall conform to the provisions of Section 5.

In case a second election is necessary, all the provisions of Section 5 in relation thereto shall govern.

Incumbent, When Removed.

(12) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the result of the election shall have been duly declared, when, if he shall not have been reelected he shall be deemed removed from office.

The council shall canvass the returns and declare the result of the election within four (4) days after the day on which the first or second election, as the case may be, was held. The candidate declared elected, if he be a person other than the officer sought to be removed, shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for Subsequent Recall.

(13) If the officer sought to be removed shall be reelected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No Recall Petition for First Six Months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of Recalled Official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adopt the provisions of section five (5) thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The Elective Officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor, who shall be ex officio assessor, two commissioners, and three school directors.

The council shall consist of the mayor and the two commissioners, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the three school directors.

Elected at Large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket at large.

Eligibility of Mayor, Auditor, and Commissioners.

SEC. 10. To be eligible to the office of mayor, auditor, or commissioner, a person, must be a citizen of the United States and a qualified elector of the State of California and of the city of Vallejo.

Eligibility of School Directors.

SEC. 11. To be eligible to the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the school district.

Vacancy in Office of Mayor, Auditor or Commissioner.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. If at any municipal election held under Section 5 of this charter a mayor, auditor or the required number of commissioners be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons, receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy in Office of School Director.

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Section 5 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy—What Constitutes.

SEC. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of election has been handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony, judicially determined to be incompetent, forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and Auditor's Term of Office.

SEC. 14. The mayor and auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is

elected and qualified, unless sooner removed from office by recall or otherwise; *provided, however*, that the term of office of the auditor first elected under this charter shall be for two years only.

Commissioners' Term of Office.

SEC. 15. The commissioners shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise, *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and one of them for four years.

At each general municipal election after the first under this charter, there shall be elected one commissioner.

School Directors' Term of Office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise, *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected one or two school directors, as the case may be.

Official Bonds.

SEC. 17. The mayor, auditor, each commissioner and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each in the penal sum of ten thousand dollars, each commissioner in the penal sum of five thousand dollars, and each school director in the penal sum of two thousand five hundred dollars.

Every bond shall contain the conditions that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the auditor and the several commissioners and school directors must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except that of the city clerk, when approved, shall be filed with the city clerk. The bond of the city clerk shall be filed with the auditor. All the provisions of any law of this State, relating to official bonds, not inconsistent with this charter, shall be complied with. The neglect or failure to exact a bond from appointive officers shall make the commissioners themselves liable for any loss which may occur to the city by reason of such neglect or failure.

Oath of Office.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Salaries.

SEC. 19. The mayor shall receive an annual salary of two thousand four hundred dollars payable in equal monthly installments.

The auditor and ex officio assessor shall receive an annual salary of one thousand five hundred dollars, payable in equal monthly installments.

Each commissioner shall receive an annual salary of one thousand eight hundred dollars, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than fifteen dollars in any one month.

Administering Oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.

THE MAYOR.

The Chief Executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records, and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of Public Utility Companies.

SEC. 25. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any persons, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor or the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Three Municipal Departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to three departments, as follows:

1. Department of public finance and supplies.
2. Department of public health and safety.
3. Department of public works.

Council to Assign Powers and Duties.

SEC. 28. (1) The mayor shall be commissioner of public finance and supplies and the council at its first regular meeting after every general municipal election, or within ten days thereafter shall, by majority vote, designate and assign one of its members to be commissioner of public health and safety, and one to be commissioner of public works: *provided, however*, if the council be unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation.

(2) The council may change such designations and assignments, except that of department of public finance and supplies, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith; may assign or reassign,

particular officers and employees to duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provision for all such matters.

Department of Public Finance and Supplies.

SEC. 29. (1) The department of public finance and supplies, under the charge of the mayor, shall have supervision of the relations of the city with the government of the United States, the states of the union, the county of Solano and other municipalities; it shall have supervision over all boards and commissions not assigned to any other department; over all accounts, revenues and financial matters of the city, except as otherwise provided in this charter; over the purchase of all supplies on behalf of the city for every department, office, board, commission and official thereof; and over the city clerk, attorney, treasurer, and library trustees, and their respective offices and departments, and all employees, deputies or assistants therein.

Department of Public Health and Safety.

(2) The department of public health and safety, under the charge of the commissioner of public health and safety, shall have supervision over the chief of police, fire chief, health officer and poundmaster, and their respective offices and departments, and all employees, deputies and assistants therein; over all buildings, property and apparatus used in any of said departments and offices; over the removal and disposal of garbage.

Department of Public Works.

(3) The department of public works, under the charge of the commissioner of public works, shall have supervision over the city engineer, street superintendent, building inspector, sanitary inspector, wharfinger, and electrician, and their respective offices or departments, and all employees, deputies or assistants therein; over the construction of any and all public buildings and structures, under plans duly approved by the commissioner of the respective department; over the repair and maintenance of any and all buildings owned by the city; over all buildings belonging to or used by the city, except as otherwise provided in this charter; over the public water works and all public utilities owned, controlled or operated by the city, and not assigned to another department, including construction, maintenance, repair and operation of such public utilities; over all wharves, docks, slips, quays, and waterfront property, belonging to or under the control of the city; over all the public streets, ways, avenues, alleys, places or boulevards, and of the lighting of the same and the manner of their use; over all work done on, in or under said streets, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles, and other installation placed on or above the streets; and over any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the city.

Redistribution of Duties Among the Three Departments.

(4) The council may, whenever it shall determine that the public service requires such change, redistribute any offices, matters or duties assigned by this section to a particular one of the three departments. Any other office, matter or duty may be assigned by the council, at its discretion to any of the said departments.

The Chief Officials.

SEC. 30. The chief officials of the city shall be city clerk, treasurer, who shall be ex officio tax collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and three library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate Officers and Employees.

SEC. 31. The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of Officers and Employees.

SEC. 32. The compensation of all city officers provided for by Section 30 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments.

SEC. 33. Each department and commission shall annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports to be Published.

SEC. 34. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilman to Hold no Other Office.

SEC. 35. No member of the council, except as provided in this charter, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers Not to be Interested in Contracts or Franchises.

SEC. 36. No officer shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

No such officer or employee shall accept or receive, directly or indirectly from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

Political and Religious Tests and Influence.

SEC. 37. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

Any officer or employee of such city, who by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor.

ARTICLE VIII.

THE COUNCIL.

The Council, the Governing Body.

SEC. 38. The council shall be the governing body of the municipality. It shall exercise corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and Vice-President.

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 40. Meetings of the council shall be held daily, Sundays and legal holidays excepted.

Meetings to be Public.

SEC. 41. All legislative sessions of the council, whether regular or special, at which any official action is taken shall be open to the public.

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of Proceeding.

SEC. 43. The council shall establish rules for its proceedings.

Ordinances and Resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of two members of the council.

Subject and Title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause of Ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Vallejo as follows:—"

Requirements of an Ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in a like manner be republished as amended for not less than one day.

Ordinances Required in Certain Cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances Granting Franchises.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Record of City Ordinances.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinances, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 45. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Publication of Charter and Ordinances.

SEC. 46. The council shall cause all ordinances to be properly classified and indexed and kept at the city hall in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

SEC. 47. Without denial or disparagement of other powers now held by or that may hereafter be given to the city under or by the Constitution or the laws of the State, the city of Vallejo shall have power:

Seal.

- (1) To make, have and use a corporate seal and to alter the same at pleasure.

To Sue and be Sued.

- (2) To sue and be sued in all actions and proceedings whatever.

To Receive Gifts.

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation.

To Acquire Property.

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incumber such real and personal or mixed property or interest therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city.

Public Buildings, Works and Institutions

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt Railway.

(6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the city, with the necessary spurs in connection for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, at railroads with docks and ships and to connect docks and ships with each other.

Water Front and Wharves.

(7) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof; to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, Light, Heat and Power.

(8) To provide for supplying the city and its inhabitants with water, gas, electricity or either or any thereof, or with any means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire or other means.

Tunnels and Conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property, and to lease or rent the use of such tunnels and conduits; *provided, however*, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, Telegraph and Transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Sale of Products of Public Utilities.

(11) To sell within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Lease of Public Utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city, provided that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years; *provided*, that nothing in this charter shall authorize, warrant, or empower the council to ever sell, or assign, convey, mortgage, or hypothecate any part of, or interest in, the water system, or any property belonging thereto, or any rents or income therefrom now belonging to the city of Vallejo, or that may hereafter be acquired by the said city; *provided further, however*, that the council may let, from year to year, such land or lands for agricultural purposes, or lease, for a term not to exceed ten (10) years, such land or lands for quarry purposes, that lie within the boundaries of the water system as they may think proper, and that will not endanger the safety, supply, or quality of the water required for public use.

Joint Ownership of Water Supply, and Other Utilities.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply, or other public utilities, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this State.

Borrowing Money, Bonds, General.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

To raise money by a special tax, in addition to the annual tax levy provided in Section 56 of this charter. To authorize such special tax, the provisions of Article XIII relating to the initiative, or of Article XIV relating to the referendum shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding

tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Borrowing Money, Bonds, Special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses and provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditions and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in Subdivision 6 hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided* that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct Legislation by People.

SEC. 48. The electors of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the Council.

SEC. 49. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the Constitution or the laws of the State; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof.

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power:

Local Laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision in this charter or of any ordinance; but no penalty shall exceed five hundred (\$500) dollars or six months' imprisonment, or both.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances, or otherwise.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (\$250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof, from the general fund.

Police and Fire Departments.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

Police and Fire Alarm Systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable Materials.

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

Engines and Boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in their judgment would endanger public health, safety or comfort.

Fire Limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers; the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection Against Fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Provisions for Safety in Theatres, Halls, etc.

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theatres, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for Safety in Streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street car and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains, on any of the streets, street crossings or street intersections of the city. To regulate the speed with which and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(16) To regulate or prohibit the exhibition, distribution, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the streets, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade Trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and Other Connections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General Regulation of Streets.

(20) Except as otherwise provided in this charter, or in the Constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks and other public places of the city.

Billboards and Signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to Animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of Health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Dangerous and Offensive Occupations; Disagreeable Noises.

(25) To regulate or prohibit the operation of all manufactories, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors.

Inspection of Food Products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools and vaults, and to compel the draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing Businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however,* that no such license shall be granted for the sale or giving away of spirituous, malt, various or alcoholic liquors in a saloon or public bar or other places located in residence portions of the city, that is to say in any half block which is bounded on one side by an alley and on the other three sides by streets in which there are more residences than business houses, nor on the same side of any block in which is located any church building or synagogue in use as a place of public worship which is owned in fee by any sect, denomination or association of persons worshipping therein, public school or public library; and every person who within such residential or other restricted district sells, barter, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. The above prohibitory provisions of this subdivision are subject to the following provisos:

First. That the council may, under such regulations as it may adopt, authorize as well within as without such restricted districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes;

Second. That the prohibitions as to location provided in this subdivision shall not prevent the renewal of any such license to a person who was a licensee of such license on the first day of December, 1910, and which license or renewal thereof continues until this charter goes into effect;

Third. That the future erection of any church building or other place of worship, schoolhouse or public library or the acquisition in the future of any property which may thereafter be used for church purposes, place of worship, school house or public library, shall not operate to revoke, prevent the renewal of any existing license or prohibit the granting of a new license within these boundaries: Commencing at the water front; thence along the center line of the alley between Virginia and Capitol streets to the center line of Sonoma street; thence along the center line of Sonoma street to the alley between Georgia and Virginia streets; thence along the center line of the alley to Sutter street; thence along the center line of Sutter street to the center line of Georgia street; thence along the center line of Georgia street to the center line of Sonoma street; thence along the center line of Sonoma street to the center line of York street; thence along the center line of York street to the center line of Marin street; thence along the center line of Marin street to the alley between Georgia and York streets; thence along the center line of the alley to the water front.

Regulation of Public Vehicles.

(32) To establish stands for hacks, public carriages, automobiles, express wagons and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons, and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Weights and Measures.

(33) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Public Shows. Gambling.

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public Order and Decency.

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation

(36) To levy taxes and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes

(37) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(38) To fix the fees and charges for all official services not otherwise provided for in this charter.

Public Entertainments.

(39) To appropriate and spend money from the funds of the city for any or all of the following purposes:

- (A) Reception and entertainment of public guests.
- (B) Assistance of public celebrations held by the city at large.
- (C) To aid in or carry on the work of inducing immigration to the city.
- (D) To exhibit manufactured and other products of the city.
- (E) Generally for the purpose of advertising the city.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of one and one half (1½) cents on each one hundred (\$100) dollars valuation of the assessable property of the city of Vallejo.

Lease of Lands Owned by the City.

(40) To provide for the lease of any lands now or hereafter owned by the city, except as otherwise provided in this charter, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease; *provided,* that no such lease shall be for a period of more than ten years; and *provided,* that the council may in its discretion reject any and all bids.

Purchase of Property Under Execution.

(41) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Unseized Property.

(42) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(43) To provide for the execution of all trusts confided to the city.

Street Grades

(44) To establish or change the grade of any street or public place.

Street Work

(45) To order the whole or any portion, either in length or width, of any street, avenue, lane, alley, court, public place, or sidewalk within the city of Vallejo to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, sewered or resewered, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing, and crosswalks to be constructed therein or thereon, and to order stormwater ditches and channels, breakwaters, levees, or walls of rock or other material to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the work or any portion of said streets, avenues, lanes, alleys, courts, public places, or sidewalks; also to order any other work or improvement therein or thereon; to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes in, on, over, or through private property.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street Opening.

(46) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the city or over the tide land or lands within the city covered by the waters of the Mare Island Straits, and to condemn or acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the commissioner of public works and the city attorney of the city, neither of whom shall receive compensation therefor; *provided*, that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of retching and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Light and Water.

(47) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal and other purposes.

Boulevards.

(48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon, and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this charter.

Closed or Abandoned Streets.

(49) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. But the council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the city by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the council to close any street or portion thereof merely by the consent of owners of land adjacent thereto and when the public convenience does not so require.

Regulation of Public Utility Rates.

(50) To fix and determine by ordinance in the month of February, of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to be Uniform.

(51) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the council, in regulating such rates, to establish in any class, a lower schedule of charges per unit or measurement for large consumers than for small consumers; but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of Street Railroads.

(52) To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to Keep Streets in Repair.

(53) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under or along any of the streets, highways

or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or recoil, the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Spur Tracks.

(54) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(55) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and Location of Pipes.

(56) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, to provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

(57) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, Junk Dealers, etc.

(58) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in secondhand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public Charities.

(59) To create a charity fund by placing therein an amount not to exceed the sum of \$25 for any one month, and the same to be disbursed for charitable purposes only, subject to the discretion of the council after each case is investigated and reported on by the commissioner of public health and safety.

Public Buildings.

(60) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Civil Service Commission.

(61) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city, not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before the employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic Art Commission.

(62) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park and Playground Commission.

(63) To establish a park and playground commission, and to appoint thereon five commissioners, three of whom shall be of one sex and two of the other, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of Public Charities.

(64) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal Ownership.

(65) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional Powers.

(66) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the Constitution of the State, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

FINANCE AND TAXATION.

The Fiscal Year.

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year.

Tax System.

SEC. 51. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end:

1st. All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

2d. All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

3d. All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

4th. All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city tax collector.

5th. All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

6th. All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the state board of equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract provided for in section (3678) of the Political Code. Should any such abstract or list be found to contain any instru-

ment relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Solano county.

(8) The assessment of property within the city of Vallejo, or assessable by the city, made by the city assessor of the city of Vallejo and the State Board of Equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department Estimates of Annual Requirements.

SEC. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of public finance and supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 53. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the council, the commissioner of public finance and supplies shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 54. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, in order to examine the assessment book and equalize the assessment of property in the city. They must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the last Monday in August. All complaints and protests by taxpayers against any assessments must be filed with the city clerk not later than the twentieth day of August. The said board of equalization shall have power to correct, modify, to lower, or to raise any assessment provided (1) that notice shall be given to the party whose assessment is proposed to be raised, and provided (2) where any person neglecting or refusing to make a statement in writing under oath as required by law or ordinance, setting forth all the real and personal property owned by or in possession of such person, and the assessor has, as it is hereby made his duty to do, made an estimate of the value of the property of such person, the assessment so made by the assessor shall not be reduced by the said board.

Annual Tax Levy.

SEC. 56. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the

tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax.

Limit of Tax Levy.

SEC. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond Tax. Library Tax.

SEC. 58. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms.

Cash Basis Fund.

SEC. 59. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax Liens.

SEC. 60. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right or redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes, except that no certificate or receipt need be delivered to the State Controller, and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

SEC. 61. The auditor shall be ex officio assessor. As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation. As auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended.

The auditor must prepare, countersign and deliver from time to time to the treasurer, and to every officer authorized by law to charge or collect any fee, commission, percentage, allowance or compensation for the performance of any official service or duty, as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the city from whatever source, including the school department and the Vallejo free library, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body and shall be signed by the president and secretary or clerk of such body and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse

on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a two-thirds vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, provided the body had the authority to make the expenditure out of which the claim arose.

No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specified on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person, or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first deducting therefrom the amount of such indebtedness. He shall on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment.

If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have been available to meet it, the auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the general fund of the fiscal year then current.

Money to Meet Warrants.

SEC. 62. When the running expenses of the city have been placed on a cash basis, warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Disposition of Money Collected.

SEC. 63. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC. 64. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES.

Form and Conditions of Contracts.

SEC. 65. (1) All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Vallejo by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Procedure in Making Contracts.

(2) The council shall, by ordinance, provide a regular and orderly procedure for the letting, making and satisfactory performance of all public contracts, to the end that the interests of the city may be properly safeguarded. Such procedure shall, among other things, provide for the making of proposals for doing public work and for furnishing material or supplies to the city on printed forms prepared and supplied by the city; for forms and requirements of affidavits of genuineness and good faith in making bids, with penalties for the disregard thereof; for proper security, in money or otherwise, to accompany bids, and the forfeiture thereof on failure to fulfill any contract; for the time and manner of receiving, opening, exam-

ning, declaring, rejecting, and awarding bids; for the signing and filing of an adequate number of copies of all contracts; and for the proper execution in favor of the city of sufficient bonds to ensure the faithful and satisfactory performance of every contract.

Endorsement of Auditor Upon Contracts.

(3) No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Progressive Payments on Contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in one newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; *provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works or the supplies to be purchased in the open market.

Contracts for Official Advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for three consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a newspaper of general circulation; *provided,* that the council may reject any or all bids if found excessive, and advertise for new bids; *and provided, further,* that except in cases made mandatory by any law of the state or any provision of this charter, the council may provide for publication by printed or typewritten bulletins which shall be posted in not less than three public places within the city. No bill shall be paid by the city for advertising in excess of the minimum rates charged other advertisers.

Contracts for Lighting.

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts for Water.

SEC. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Hours of Labor.

SEC. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day.

Collusion With Bidder—Effect on Officer.

SEC. 72. Any officer of the city, or of any department thereof, who shall aid or assist a bidder securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the city of Vallejo.

Penalty for Collusion.

SEC. 73. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, conspired with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, or board, as the case may be, may advertise for a new contract for said work.

ARTICLE XII.

FRANCHISES.

Property Rights of the City Inalienable.

SEC. 74. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 75. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or the Constitution or laws of the United States, in, upon, over, under or along any street, highway, or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to Use Streets.

SEC. 76. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the Constitution of the State of California, be granted by the council upon the conditions specified in this article and not otherwise:

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park or other public place in the city of Vallejo, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-four (54) of Section 49 of this charter.

Applications for Franchises.

SEC. 77. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or

interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege; *provided*, that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent the next ten years, and not less than three per cent during the remainder of the life of the franchise; *provided*, that if the franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise; and *provided*, further, that the council shall have the right to reject any and all bids.

Bidding for the Franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council no advantage or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

(4) Every application for a franchise, permit or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free Competition in Bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchise.

Sec. 78. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and Completion of Work.

Sec. 79. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said

franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months; and *provided*, that the limitations and provisions hereof as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or interurban railroads.

Service and Accommodation.

SEC. 80. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Regulation of Public Utility Rates.

SEC. 81. (1) The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

(2) Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix a price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than six per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

Right of City to Assume Ownership.

SEC. 82. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege of the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oath of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign, be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No costs of maintenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successor or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this charter provided, if referendum be demanded by the people.

No Conveyance Necessary for City's Ownership.

SEC. 83. Every ordinance granting any franchise, permit or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instru-

ment or conveyance. The granting of the franchise, permit or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

Lease or Assignment of Franchise.

SEC. 84. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned, or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Street Sprinkling, Cleaning and Paving.

SEC. 85. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or reoil the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings, and such street work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Examination of Company's Books. Audit.

SEC. 86. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Vallejo, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Vallejo said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council, shall work a forfeiture of the said franchise, permit or privilege.

Annual Reports of Company.

SEC. 87. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officers of the corporation, as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Vallejo, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of Record and Reference.

SEC. 88. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference:

(1) A franchise record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

(2) A public utility record of every person, persons or corporation owning or operating any public utility under any franchise granted by the city, in which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection

reports, as herein provided, and such other matters of information and public interest concerning the same as the mayor may from time to time require. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record and, in writing, report the same to the council.

Payment of Gross Receipts.

SEC. 89. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in Section 87 of this charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise.

Forfeiture for Non-compliance.

SEC. 90. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Limitations on Water Front Franchise.

SEC. 91. All franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of Mare Island Straits shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, on to and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of Mare Island Straits which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for

Switching Rights.

SEC. 92. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Vallejo and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchise Not in Use Forfeited.

SEC. 93. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in Plain Terms.

SEC. 94. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchise Specify Streets.

SEC. 95. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

License Tax.

SEC. 96. The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service;

also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

Other Conditions May be Imposed by Council.

SEC. 97. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Franchises for Railroads Other Than Street, Suburban or Interurban Railroads.

SEC. 98. The council may grant franchises, for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the city of Vallejo, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Section 74 relating to property rights of the city; of Section 77 relating to applications for franchises; of Section 78 relating to life of franchises; of Section 79 relating to beginning and completion of work; of Section 80 relating to service and accommodation; of Section 81 relating to regulation of public utility rates; of Section 82 relating to right of the city to assume ownership; of Section 83 relating to conveyances; of Section 84 relating to leases and assignments of franchises; of Section 85 relating to street sprinkling, cleaning and paving; of Section 88 relating to books of record and reference; of Section 90 relating to forfeiture for non-compliance; of Section 91 relating to limitations on water front franchises; of Section 92 relating to switching rights; of Section 93 relating to forfeiture of franchises not in use; of Section 94 relating to terms of ordinances; of Section 95 relating to specification of streets; and of Section 97 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads; and anything in this article to the contrary notwithstanding, no other section contained in this article (Article XII) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads.

Provided, that the application of the provisions of said Section 77 (relating to application for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said Section 77, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid.

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of Section 81 (relating to regulation of public utility rates) shall apply only to the local service of such railroads.

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Section 82 (relating to rights of the city to assume ownership) shall not be construed as requiring such franchise, permit or privilege to permit the city to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise, permit or privilege.

ARTICLE XIII.

THE INITIATIVE.

Preliminaries to Filing Petition.

SEC. 99. (1) The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponent's reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the

party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and Condition of Petition.

(2) The initiative petition shall consist of individual certificates signed by qualified electors of the city as many in number as hereinafter required. The form and conditions of each certificate and mode of certification and verification shall be substantially as follows:

(Individual certificate.)

INITIATIVE PETITION TO THE COUNCIL.

Requiring the submission at a special (or general) municipal election.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of a proposed ordinance entitled:

(Here insert title of ordinance.)

PROPOSERS' REASONS FOR
ADOPTING ORDINANCE:

(Here insert such reasons.)

COUNCIL'S REASONS FOR NOT
ADOPTING ORDINANCE:

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Vallejo.

I further certify: That I have read the proposed ordinance and the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city; and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } ss.
CITY OF VALLEJO. }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____
Verification Deputy (or Notary Public.)

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Vallejo, California.

The provisions of Subdivision 4, of Section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Fifteen Per Cent Petition.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; or.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors, unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Five Per Cent Petition.

(4) If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general

municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Limitations for Petitions.

(5) No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Measure to Be Mailed to Voters.

(6) Whenever any ordinance is required under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance, together with such arguments for and against it as may have been printed on the individual certificates constituting the initiative or referendum petition to be printed, and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in a newspaper of general circulation published in the city one week preceding the date of such election.

Election.

(7) The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several Ordinances at One Election.

(8) Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections.

(9) There shall not be held under this article more than one special election in any period of six months.

Competing and Conflicting Measures. Repeal.

(10) When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (second) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances adopted at the same election, then the ordinance receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is Mandatory.

(11) If any ordinance proposed by initiative petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Substantial Compliance.

(12) A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further Regulations.

(13) The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of Article III thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of Protesting Against Ordinances.

SEC. 100. (1) No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote provided in Section 101. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

Preliminaries of Filing Petitions.

(2) Before any petition for the submission of an ordinance to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: A copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponents' reasons against the adoption of such ordinance; a statement of the intention to secure the repeal of such ordinance, or else its submission to a vote of the electors by the referendary petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance should be adopted. These reasons for and against the adoption of the ordinance shall be printed as a part of the individual certificate forming a part of the petition.

Form and Conditions of Petition.

(3) The referendary petition shall consist of individual certificates signed by qualified electors as many in number as hereinbefore required. The forms and conditions of each certificate and mode of certification and verification shall be substantially as follows:

(Individual Certificate.)

REFERENDARY PETITION TO THE COUNCIL.

Requiring the Submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of that ordinance entitled:

(Here insert title of ordinance or measure.)

OPPONENT'S REASONS AGAINST
ADOPTING ORDINANCE.

(Here insert such reasons.)

COUNCIL'S REASONS FOR
ADOPTING ORDINANCE.

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith repeal or else submit, as provided in the charter, to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached, passed by the council on the ----- day of -----, 19-----.

I further certify: That I have read the ordinance hereby protested against and the above reasons for and against the adopting of said ordinance, and am against its

adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ and _____ street, in said city, and that my occupation is _____
(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO. }

_____ being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____

(Signed) _____

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Vallejo, California.

The provisions of Subdivision 4 of Section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Time of Election.

(4) If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Conduct of Election.

(5) Subdivisions six (6), seven (7), eight (8), and twelve (12) of Section 99, of this charter, applying to the initiative shall govern elections held under authority of this article, so far as applicable.

Result of Election.

(6) If a majority of votes cast on any ordinance or measure submitted on petition or referred by the council on its own motion to the electors in accordance with the provisions of this article, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass, otherwise it shall be considered repealed or rejected. The provisions of subdivision ten (10) of Section 99, relating to conflicting and competing measures under initiative elections shall apply to conflicting and competing measures under referendary elections.

Franchise Measure.

SEC. 101. No ordinance passed by the council granting any franchise shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance shall be in force and effect unless within such period there shall be filed with the city clerk a referendary petition signed by qualified electors equal in number to five (5) per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, requesting that such ordinance be submitted to the electors at the next occurring general or special municipal election. If such referendary petition is duly filed with the city clerk, requiring that a franchise be referred to a vote of the electors at the next occurring general or special municipal election, and if the applicant for the franchise desires action thereon earlier than the next occurring general or special municipal election, then a special municipal election for the determination of such question may be called by the council, provided that the applicant pay one half of the expenses of such special election, as such expense may be determined by the council. If the amount required by this charter to be deposited by every applicant for a franchise is not sufficient to cover the expense of such special election, then the applicant must deposit such additional sum as may be necessary therefor: *provided*, that all amounts unexpended from such deposit shall be returned to the applicant. In case such referendary petition is duly filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at an election as herein provided.

Reference of Measures to Popular Vote.

SEC. 102. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances submitted on petition.

Further Regulations.

SEC. 103. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adopt the provisions of Section 5 of Article III thereto.

ARTICLE XV.

POLICE COURT.

Judicial Power of the City.

SEC. 104. There is hereby created and established in and for the city of Vallejo a court which shall be known as the police court of the city of Vallejo. The judicial power of the city shall be vested in said court, to be held by the police judge of the city.

Term of Police Judge.

SEC. 105. The police judge shall be appointed for a term of two years, subject, however, to removal at any time by unanimous vote of the council.

Court Room.

SEC. 106. The council shall furnish the police court a suitable court room and office, and the dockets, blanks and other papers necessary to the transaction of its business.

Bailiffs. Writs. Clerk.

SEC. 107. The chief of police, when requested by the police judge, shall provide a bailiff for the police court, and shall in all cases cause its writ and processes to be promptly executed. The council shall appoint a clerk for said court whenever it is deemed necessary or expedient, and shall fix his compensation.

Powers of Magistrate.

SEC. 108. The police judge shall have the powers and perform the duties of a magistrate as provided by the laws of the State of California, and may administer and certify oaths and affirmations and take and certify acknowledgments.

Exclusive Jurisdiction.

SEC. 109. The police court shall have exclusive jurisdiction of all actions and proceedings, civil or criminal, for the violation of any ordinance of the city; of all actions for the recovery of any fine, penalty or forfeiture prescribed or provided for the breach of any ordinance; of all actions founded upon any obligations or liability created by ordinance; and shall have exclusive jurisdiction of all matters and proceedings the jurisdiction of which is now or may hereafter be exclusively vested in police courts by the laws of the State of California.

Concurrent Jurisdiction.

SEC. 110.—The police court shall have jurisdiction concurrently with the justices' courts of all matters, actions, and proceedings, both civil and criminal, arising within the limits of the city, of which the justices' courts have now or may hereafter have jurisdiction; and the police judge shall have like authority, power and jurisdiction as are now or may hereafter be conferred by the general laws of the State of California.

Pleadings and Practice.

SEC. 111. In all proceedings in and appeals from the police court, the pleadings, practice and procedure now applicable under the laws of the State of California or that may hereafter be made so applicable to justices' courts or police courts are hereby adopted and made applicable to the police court of the city of Vallejo.

Appeals.

SEC. 112. Appeals may be taken to the Superior Court of the State of California in and for the county of Solano, from the judgments and orders of the police court in all cases in which appeals now are or may hereafter be taken by law to said superior court from justices' courts and police courts.

Court Always Open.

SEC. 113. The police court shall always be open for the transaction of business except on Sundays and other non-judicial days.

Disqualification of Police Judge.

SEC. 114. In all cases in which the police judge is a party or in which he is interested, or when he is related to any party to an action or proceeding by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge shall call a justice of the peace residing in the county of Solano to act in his place and stead, and while so acting said justice shall be vested with all powers, authority and jurisdiction of the duly qualified judge of the police court.

Fines the Property of the City.

SEC. 115. All fines, penalties, forfeitures and other moneys received or collected by the police judge, for or on account of the city of Vallejo, shall be immediately paid into the city treasury for the use of the city.

Rules.

SEC. 116. The police judge shall adopt all necessary rules and regulations for conducting the business of the court.

ARTICLE XVI.

POLICE DEPARTMENT.

Organization.

SEC. 117. The police department, which shall be under the supervision of the commissioner of public health and safety, shall consist of a chief of police, and such sergeants, patrolmen, and other officers and employees as in the judgment of the council the needs of the service may require.

Appointments.

SEC. 118. The chief of police shall be appointed by the commissioner of public health and safety, subject to confirmation by the council; sergeants shall be appointed or disrated by the chief of police; patrolmen and other officers and members of the police department shall be appointed by the commissioner of public health and safety; provided (1) that sergeants be appointed only from patrolmen who have served as such not less than two (2) years; and provided (2) that the chief of police, sergeants, patrolmen and other officers of the police department appointed prior to the first day of December, 1910, who are in good standing at the time this charter goes into effect, and all who may be hereafter appointed, shall be retained in their respective positions except as otherwise provided in this charter.

Number of Patrolmen.

SEC. 119. Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every fifteen hundred (1,500) inhabitants of the city of Vallejo. In determining the population for the purposes of this section, said population is hereby declared and established to be on the basis of five (5) inhabitants for every registered voter as the same shall at any time appear on the great register of the county of Solano.

Salaries.

SEC. 120. The chief of police, sergeants and patrolmen shall receive annual compensation as follows:

Chief of police, for the first year of service after date of appointment, \$1,500; for the second year of such service, \$1,620; for the third year of such service and thereafter, \$1,800.

Sergeants, for the first year of service after date of appointment, \$1,320; for the second year of such service, \$1,440; for the third year of such service and thereafter, \$1,500.

Patrolmen, for the first year of service after date of appointment, \$1,020; for the second year of such service, \$1,140; for the third year of such service and thereafter, \$1,200.

ARTICLE XVII.

THE PUBLIC SCHOOLS.

The Board of Education.

SEC. 121. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

Meetings to be Public.

SEC. 122. All meetings of the board of education shall be public.

Superintendent of Schools.

SEC. 123. The board of education shall appoint a superintendent of schools, who shall be the holder of a high school certificate or a secondary school certificate under the general law of the State, and shall fix his compensation.

Powers and Duties of the Superintendent.

SEC. 124. The superintendent of schools shall be the secretary and executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals, teachers and janitors shall be given through him. He must examine all plans for the construction and reconstruction of school buildings and report in writing to the board any objection he may find thereto. He shall have supervision of the course of instruction of the discipline and conduct of the schools.

Powers of Superintendent With Reference to Teachers.

SEC. 125. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Election of Teachers.

SEC. 126. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Tenure of Teachers.

SEC. 127. Every person employed as a regular teacher by the school department shall be considered re-elected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

ARTICLE XVIII.

MISCELLANEOUS.

When this Charter Takes Effect.

SEC. 128. For the purpose of nominating candidates and electing the mayor, auditor, commissioners and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1911.

First Election Under this Charter.

SEC. 129. The board of trustees of the city of Vallejo in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of Incumbents in Office.

SEC. 130. The members of the board of trustees, the auditor, and the members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, commissioners and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force.

SEC. 131. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Claims Against the City.

SEC. 132. All claims for damages against the city must be presented to the council and filed with the city clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise, there shall be no recovery on any such claim.

Illegal Approval of Demands.

SEC. 133. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city, individually, and on his official bonds, for the amount of the demand so illegally approved, allowed, or paid.

Annual Vacations.

SEC. 134. Every officer and employee, after having served continuously for one year in the employ of the city shall be entitled to fifteen (15) days' vacation with full pay.

Mare Island Straits; Meaning Thereof.

SEC. 135. By the designation Mare Island Straits wherever occurring in this charter is meant that body of water lying between the mainland of the city of Vallejo and Mare Island, whether known as Napa Creek, Napa River, Napa Slough, Vallejo Bay, or otherwise.

Women Eligible to Appointive Offices.

SEC. 136. Nothing in this charter shall be construed as prohibiting the appointment of women to any appointive office.

Violation of Charter Provisions. Misdemeanor.

SEC. 137. The violation of any provision of this charter shall be deemed a misdemeanor. Any act or omission declared by this charter to be a misdemeanor shall be punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding five hundred (\$500) dollars, or by both.

CERTIFICATE.

WHEREAS, The city of Vallejo, a city containing a population of more than three thousand five hundred inhabitants, on the eleventh day of October, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect W. J. Carlin, John Davidson, Robert B. Dempsey, B. F. Griffin, G. S. Hale, E. B. Hussey, W. A. Jones, J. B. McCauley, Grant McLaughlin, Donald Munro, Conrad Rump, John Sullivan, W. H. Taylor, J. R. Ward and E. V. Williams a board of fifteen freeholders to prepare and propose a charter for said city:

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Vallejo.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this third day of January, one thousand nine hundred and eleven.

B. F. GRIFFIN, President.
W. J. CARLIN.
ROBT. B. DEMPSEY.
G. S. HALE.
WM. A. JONES.
J. B. McCAULEY.
GRANT McLAUGHLIN
DONALD MUNRO.
CONRAD RUMP.
JOHN SULLIVAN.
WM. H. TAYLOR.
J. R. WARD.
E. V. WILLIAMS.
JOHN DAVIDSON

Attest: E. B. HUSSEY, Secretary.

I, W. J. TORMEY, city clerk of the city of Vallejo, do hereby certify that the foregoing proposed charter of the city of Vallejo is a full, true and correct copy of the charter of the city of Vallejo as prepared and proposed by the board of fifteen freeholders elected on October eleventh, 1910, which said charter was delivered and submitted to the mayor of said city on January fourth, 1911, and filed in the office of the city clerk on said January fourth, 1911, and is now in my custody as city clerk of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the city of Vallejo this ninth day of January, 1911.

[SEAL]

STATE OF CALIFORNIA.

COUNTY OF SOLANO.

CITY OF VALLEJO.

} ss.

W. J. TORMEY, City Clerk.

I, J. F. Chappell, mayor of the city of Vallejo, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of October, 1910, at a special municipal election held in said city of Vallejo on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as mayor of said city of Vallejo within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Vallejo Daily Times" and in the "Vallejo Evening News," which were then daily newspapers of general circulation in said city, and that publication was made for twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8 of Article XI of said Constitution of the State of California, to wit, on the 21st day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Vallejo on the 23d day of February, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Vallejo to be affixed this 23d day of February, 1911.

[SEAL]

J. F. CHAPPELL,
Mayor of the City of Vallejo.

Attest:

W. J. TORMEY,

City Clerk and Clerk of the Board of Trustees.

AND WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) That said charter of the city of Vallejo, as presented to, adopted and ratified by the qualified electors of said city of Vallejo, be, and the same is hereby, approved as a whole as and for the charter of the said city of Vallejo.

Published by order of the board of trustees of the city of Vallejo.

W. J. TORMEY, City Clerk.

RESOLUTION No. 510.

WHEREAS, Pursuant to Ordinance No. 449 passed and adopted by the board of city trustees of the city of Vallejo and in pursuance of law in such cases made and provided, and in accordance with the Constitution of the State of California, a special election was duly and regularly held in the city of Vallejo, county of Solano, State of California, on Tuesday the twenty-first day of February, 1911, at which time and place, a new charter of the city of Vallejo, prepared and proposed by the board of freeholders of said city elected October 11th, 1910, was submitted to the qualified voters of said city of Vallejo; and

WHEREAS, All matters and things as to form and substance and as required by law, have been done and performed in the manner and at the time as required by law, and the board of city trustees of the city of Vallejo, sitting as a board therefor, having duly canvassed the returns of said election;

It is hereby found, resolved, determined and declared that the number of votes hereinafter set forth, were as hereinafter set forth voted at said election and against there were cast in favor of the ratification of said proposed charter and against the ratification of said proposed charter the following number of votes, respectively, as follows:

In favor of the ratification of said proposed charter.....	1279
Against the ratification of said proposed charter.....	809

Total number of votes cast upon ratification of said proposed charter 2088

It is further hereby found, resolved, determined and declared that the said proposed new charter was and is ratified by a majority of the qualified electors voting thereon at said election in said city of Vallejo;

Resolved, That the city clerk of the city of Vallejo be, and he is hereby authorized and directed to submit the said charter, together with a certified copy of this resolution, to the Legislature of the State of California, for its approval or rejection as a whole without power of alteration or amendment.

Passed and adopted by the board of trustees of the city of Vallejo in adjourned session assembled this 23d day of February, 1911, by the following vote:

AYES—Trustees Butler, Herbert, Pierce, Sullivan and Tripp.
NOES—None.

R. O. PIERCE,

President of the Board of City Trustees.

[SEAL]

Attest: W. T. TORMEY,

City Clerk and Clerk of the Board of Trustees.

Approved this 24th day of February, 1911.

J. F. CHAPPELL, Mayor.

I certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of city trustees of the city of Vallejo on February 23d, 1911, and approved by the mayor of said city on the 24th day of February, 1911.

W. J. TORMEY, City Clerk.

[SEAL]

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Welch, and Wright—25.
NOES—None.

Assembly Concurrent Resolution No. 23 ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NO. 460.
(OUT OF ORDER).

Senator Boynton moved that the Senate take up for consideration the Assembly amendments to Senate Bill No. 460, received from the Assembly on March 7, 1911, and temporarily passed in the absence of Senator Wolfe, such action being by and with consent of Senator Wolfe.

Motion carried.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 460?"

On page 1, line 2, of the printed bill, strike out the word "Penal", and insert in lieu thereof the word "Civil".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 460 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Burnett, Campbell, Curtin, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roscherry, Rush, Shanahan, Thompson, Welch, and Wright—24.

NOES—None.

Senate Bill No. 460 ordered to enrollment.

ADJOURNMENT.

At ten o'clock and forty-five minutes p. m., on motion of Senator Bell, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, March 9, 1911.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Strobebridge, Thompson, Tyrrell, Walker, Welch, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 8, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. E. Webb, of Kentfield.

On request of Senator Avey, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to M. C. Butterfield of Callen.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 36 be made a special order for Tuesday, March 14, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Strobbridge moved that the further consideration of Senate Constitutional Amendment No. 35 be made a special order for Tuesday, March 14, 1911, immediately following the special order heretofore set.

Motion carried.

SPECIAL ORDER SET.

Senator Boynton moved that the consideration of Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article 6 thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a

reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerks, and also relating to the duties and compensation of such officers—be made a special order for Tuesday, March 14, 1911, immediately after the special order heretofore set.

Motion carried.

WITHDRAWAL OF BILL.

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 223—An Act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant, apartment house, workshop, place of amusement, or any other establishment in this State employing females, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

Senate Bill No. 223 withdrawn, and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general, and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Also: Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

Also: Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendments Nos. 35 and 6 referred to the Committee on Judiciary.

Assembly Constitutional Amendment No. 34 referred to the Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in—and appointed Assemblymen Sutherland, Jones, and Bishop as a Committee on Conference to meet a like committee from the Senate.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he appointed Senators Tyrrell, Cutten, and Curtin as a Committee on Conference on Senate Bill No. 373, to act with a like committee from the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE OFFICE, SACRAMENTO, March 8, 1911.

To the Senate of the State of California:

I return to you herewith without my approval Senate Bill No. 473, entitled: "An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, division third, of said Code in place thereof, relating to negotiable instruments."

As I understand the bill, it aims at a uniform law in relation to negotiable instruments. In many of its features, I believe the proposed Act to be excellent, but there are a few provisions of it which doubtless were inadvertently inserted that preclude me from approving it.

Section 3168 of the Act is as follows: "Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon."

Under that section, a promissory note made payable at a bank would operate as a check upon the funds in the bank of the maker of the note. This provision I believe to be vicious and dangerous, and I do not think the sponsors of the Act, at least in our State, would wish this to become California law. Aside from the inconvenience that would result from such a course, valid defenses to a promissory note might be rendered nugatory and general confusion arise in the matter of bank accounts.

Section 3083, defining a sum certain, might seriously interfere with the terms of the promissory notes that have become familiar to us in this State.

There are other minor defects in the bill, but the provisions of Section 3168 constitute the most potent objections.

For the reasons stated, I have vetoed the measure.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 473 sustained by the following vote:

AYES—None.

NOES—Senators Bell, Bills, Birdsell, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cuten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, and Wright—28.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain

exceptions; and providing penalties for such offenses—report that we have met a like committee of the Assembly consisting of Assemblymen Wyllie, Schmitt, and Slater, and report that the Conference Committee was unable to agree, and we therefore recommend that a Committee on Free Conference be appointed.

(Signed)

ESTUDILLO,
STETSON,
THOMPSON.

Senate Conference Committee.

Report read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 100—An Act to provide for direct legislation, including initiative, referendum, and recall, by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Also: Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Also: Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 100, 145, and 146 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a house, have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

ESTUDILLO, Chairman.

Assembly Constitutional Amendment No. 25 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Also: Senate Bill No. 941—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the 20th class.

Also: Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a fireman's relief health life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 304, 680, and 941 ordered on file for second reading.

Assembly Bills Nos. 162 and 1019 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HEWITT, Chairman.

Senate Bill No. 1014 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 393—An Act to amend section "four thousand three hundred and sixteen of the Political Code of the State of California," relating to sheriffs, clerks, and constables and their deputies.

Also: Assembly Bill No. 507—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Also: Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Also: Assembly Bill No. 1207—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said code, relating to fees and mileage of jurors in counties of the fourteenth class.

Also: Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 393, 507, 1195, 1207, and 1314 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—have had the same under consideration, and respectfully report the same back without recommendation.

HEWITT, Chairman.

Senate Constitutional Amendment No. 42 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 417—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Also: Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Senate Bill No. 417 ordered on file for second reading.

Assembly Bills Nos. 292 and 313 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Constitutional Amendment No. 28—A resolution proposing to the

people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HURD, Chairman.

Senate Constitutional Amendment No. 28 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Also: Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Also: Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Also: Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 61, 295, 1037, 1152, and 1243 ordered on file for third reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman

Senate Bill No. 1247 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Also: Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bills Nos. 1452 and 1535 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act

to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time on previous day.

On motion of Senator Hurd, Senate Bill No. 959 was passed, to be placed at the foot of the file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—the same was taken up for consideration.

POINT OF ORDER.

Senator Gates raised the point of order, "That there are persons on the floor of the Senate in violation of Rule 15 of the Standing Rules of the Senate."

POINT OF ORDER WELL TAKEN.

President declared the point of order well taken, and ordered the Sergeant-at-Arms to carry out the rules.

SUSPENSION OF RULE.

Senator Caminetti moved that the rule limiting the time of debate to five minutes be suspended during the consideration of Senate Bill No. 921.

Motion carried.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the further consideration of Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—be postponed, and made a special order for March 9, 1911, immediately after the consideration of the second-reading file of Assembly bills, but not to be later than three o'clock and thirty minutes p. m.

Motion carried.

MOTION.

Senator Estudillo moved that the President of the Senate appoint a Committee on Free Conference concerning Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Motion duly seconded.

SUBSTITUTE MOTION.

Senator Juilliard moved, as a substitute to the motion of Senator Estudillo, that the President of the Senate appoint a committee of three on free conference to meet a like committee from the Assembly to consider Assembly Bill No. 37, and that in appointing said committee he be most respectfully requested to follow the former precedent of this Senate and to select for such committee two Senators who voted with the majority, and one Senator who voted with the minority when said bill was heretofore considered in this body.

Substitute motion duly seconded.

POINT OF ORDER.

Senator Estudillo raised the point of order. "That the substitute motion is in violation of the joint rules of Senate and Assembly adopted by the Senate and Assembly of the thirty-ninth session of the Legislature of the State of California."

Pending the ruling of the President of the Senate upon the point of order made by Senator Estudillo—

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of the motion that the President of the Senate appoint the members of the Committee on Free Conference, the substitute motion of Senator Juilliard, and the point of order raised by Senator Estudillo, be made a special order for Thursday, March 9, 1911, immediately after the special order heretofore set, following the second reading of Assembly bills.

Motion carried.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator Curtin, of the Twelfth District, in the chair.

SUSPENSION OF RULE.

Senator Estudillo moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LARKINS, Chairman.

Assembly Bill No. 1328 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 979—An Act to regulate the work and hours of

employees engaged in the occupation of cooks, cooks' helpers, waiters and waitresses, in public eating houses and providing a penalty for violation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

LARKINS, Chairman.

Senate Bill No. 979 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS, ETC.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Thompson, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

On motion of Senator Thompson, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

On motion of Senator Juilliard, Assembly Bill No. 643 was temporarily passed on file, to retain its place.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Thompson, Assembly Bill No. 70 was temporarily passed on file, to retain its place.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Welch, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitu-

tion of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

On motion of Senator Caminetti, Assembly Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals.

On motion of Senator Hurd, Assembly Bill No. 903 was passed, to be placed on file as unfinished business.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

On motion of Senator Thompson, Assembly Bill No. 365 was temporarily passed on file, to retain its place.

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Assembly Bill No. 573 was temporarily passed on file, in the absence of Senator Walker, to retain its place.

Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Assembly Bill No. 574 was temporarily passed on file, in the absence of Senator Walker, to retain its place.

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands, within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Assembly Bill No. 575 was temporarily passed on file, in the absence of Senator Walker, to retain its place.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Assembly Bill No. 576 was temporarily passed on file, in the absence of Senator Walker, to retain its place.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

On motion of Senator Bell, Assembly Bill No. 883 was temporarily passed on file, to retain its place.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410*a*, and relating

to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of United States.

On motion of Senator Campbell, Assembly Bill No. 241 was passed, to be placed at the foot of the file.

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 829 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Shanahan, Thompson, and Welch—24.

NOES—Senator Larkins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

COMMUNICATION.

Senator Black presented the following telegram, which was read and ordered printed in the Journal:

WASHINGTON, D. C., March 9, 1911.

State Senate of California, care Walter V. Parrish, Secretary, Sacramento, California.

Senate Joint Resolution No. 10, relative to the establishment of a parcels post, was this day received from your Secretary, and I want to assure your honorable body that I will give full consideration to the same as one of the representatives from California. The establishment of a parcels post was one of the planks of my platform before the people last election, and am much pleased to have your honorable body now adopt it and hope we may get Congress to do the same. I can assure you I will work to that end.

JOHN E. RAKER.

Member of Congress, First Congressional District, California.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the superior court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 623 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Campbell, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Thompson, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 43 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Campbell, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, and Thompson—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 926 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Thompson, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 470 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Thompson, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 537 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Thompson, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said state normal school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 165 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 166 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Welch, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 330 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Thompson, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 331 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Curtin, Estudillo, Finn, Gates, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Thompson, Welch, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER).

Senator Thompson moved that the second-reading file of Assembly bills be taken up, out of order.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 1, Subdivision 10, line 41, of the engrossed bill, before the word "any", insert the following: "any billiard room or pool room, or"; also, on same line, strike out the words "pool room".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 11, line 44, of the engrossed bill, strike out the words "order or direction", and in lieu thereof insert the following: "orders or directions".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 13, line 52, of the engrossed bill, after the word "or", insert the word "who"; and, also, on line 53, of same subdivision, after the word "idle", insert the words "and dissolute".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 14, line 62, of the engrossed bill, after the word "private", strike out the word "schools", and insert the word "school".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 15, line 66, of the engrossed bill, strike out the word "drugs", and insert the word "drug".

Amendment adopted.

Also:

On page 3, Section 1, Subdivision 16, line 68, of the engrossed bill, strike out the words "being brought", and insert the word "growing".

Amendment adopted.

Also:

On page 9, Section 10d, line 32, of the engrossed bill, after the word "officer", strike out "\$175", and insert in lieu thereof "\$150".

Amendment adopted.

Also:

On page 9, Section 10d, line 32, of the engrossed bill, after the words "assistant probation officer," strike out "\$150", and insert in lieu thereof "\$100".

Amendment adopted.

Also:

On page 9, Section 10g, line 42, of the engrossed bill, strike out of said section all after the word "officer", and insert in lieu thereof the following: "and two assistant probation officers. The salaries of said officers shall be as follows: probation officer, \$125 per month; one assistant probation officer, \$120 per month, and one assistant probation officer, \$100 per month."

Amendment adopted.

Also:

On page 9, Section 10i, line 46, of the engrossed bill, strike out of said section, all after the word "and", and insert in lieu thereof the following: "two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$100 per month; one assistant probation officer, \$75 per month; and one assistant probation officer, \$50 per month."

Amendment adopted.

Also:

On page 10, Section 10k, line 53, of the engrossed bill, insert after the word "the", the following: "eleventh, twelfth, thirteenth,".

Amendment adopted.

Also:

On page 10, Section 10k, line 54, of the engrossed bill, strike out the word "and".

Amendment adopted.

Also:

On page 10, Section 10k, line 54, of the engrossed bill, after the word "twenty-seventh", insert the following: "and thirty-third".

Amendment adopted.

Also:

On page 10, Section 10k, line 56, of the engrossed bill, after the period insert the following: "In counties of the thirteenth class there shall be one assistant probation officer whose salary shall be \$25 per month."

Amendment adopted.

Also:

On page 10, Section 10n, line 64, of the engrossed bill, strike out the word "thirteenth", and insert in lieu thereof the following: "fourteenth, sixteenth, nineteenth, twentieth,".

Amendment adopted.

Also:

On page 10, Section 10n, line 65, of the engrossed bill, insert after the word "thirtieth", the following: ", thirty-second, thirty-eighth".

Amendment adopted.

Also:

On page 10, line 70, of the engrossed bill, after the period insert the following:

"Section 10r. In counties of the forty-eighth class there shall be one probation officer whose salary shall be \$25 per month."

Amendment adopted.

Also:

On page 10, Section 10r, line 68, of the engrossed bill, after the word "the" insert the following: "twenty-first,".

Amendment adopted.

Also:

On page 10, Section 10u, line 71, of the engrossed bill, strike out the word "thirty-third".

Amendment adopted.

Also:

On page 10, Section 10u, line 72, of the engrossed bill, strike out the following: "thirty-eighth, fortieth, forty-first,".

Amendment adopted.

Also:

On page 10, Section 10u, line 73, of the engrossed bill, strike out the word "forty-eighth".

Amendment adopted.

Also:

On page 15, Section 17, line 2, of the engrossed bill, after the word "of", strike out the word "eighteen", and insert in lieu thereof the word "twenty-one".

Amendment adopted.

Also:

On page 15, Section 17, line 7, of the engrossed bill, after the word "of", strike out the word "eighteen", and insert in lieu thereof the word "twenty-one".

Amendment adopted.

Also:

On page 21, Section 25, line 5, of the engrossed bill, after the word "court", strike out the words "and the probation committee".

Amendment adopted.

Also:

On page 4, Section 2, line 9, of the engrossed bill, strike out the word "first", and insert in lieu thereof the following: "second".

Amendment adopted.

Also:

On page 3, Section 1, line 59, after the words "March 24, 1903", insert the following: "and any Act or Acts amending or superseding the same".

Amendment adopted.

The following amendments were offered by Senator Campbell:

On page 7, Section 8, line 7, of the engrossed bill, after the word "committee", strike out the comma and the following: "prior to the first day of December in each year," and in lieu thereof insert the following: "to prepare each year one or more reports".

Amendment adopted.

Also:

On page 7, Section 8, line 16, of the engrossed bill, after the period insert the following: "The probation committee shall also make to the court an annual report to be filed prior to the first day of December."

Amendment adopted.

Also:

On page 11, Section 13, line 26, of the engrossed bill, after the word "judge", strike out the words "appointing them", and insert in lieu thereof the following: "of the juvenile court".

Amendment adopted.

Also:

On page 12, Section 15, line 8, of the engrossed bill, after the word "who", strike out the words "is already", and insert in lieu thereof the following: "has already been placed by the juvenile court".

Amendment adopted.

Also:

On page 20, Section 23, line 1, of the engrossed bill, after the word "person", strike out the words "shall be entitled to", and insert in lieu thereof the words "may have".

Amendment adopted.

Also:

On page 20, Section 23, line 2, of the engrossed bill, strike out the word "its" and insert the word "his".

Amendment adopted.

Also:

On page 20, Section 23, line 3, of the engrossed bill, strike out the word "its", and insert the word "his".

Amendment adopted.

Also:

On page 20, Section 23, line 4, of the engrossed bill, strike out the word "shall", and insert the word "may".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto, to be numbered 26.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein, and to provide for the payment of said bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children: prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, strike out the word "sixteen", and insert in lieu thereof the following: "eighteen".

Amendment adopted.

Also:

On page 1, Section 2, line 9, strike out the word "sixteen", and insert in lieu thereof the following: "eighteen".

Amendment adopted.

Also:

On page 2, Section 2, line 14, strike out the figure "6", and insert in lieu thereof the following: "5".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

On motion of Senator Welch, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove

restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read second time, and ordered on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Campbell, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1094.

PRESENTATION OF BILLS.

Senator Birdsall offered, and sent to the desk for introduction, twenty-one bills.

Bills ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 1171 for consideration, out of order.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, three o'clock and seven minutes P. M.

The President pro tem, directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and ten minutes P. M., Senators Tyrrell and Hans were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

At three o'clock and fifteen minutes P. M., Senator Cassidy was brought to the bar of the Senate, and, on motion of Senator Burnett, he was excused for absence from the Senate Chamber.

At three o'clock and sixteen minutes P. M., Senators Cutten and Hewitt were brought to the bar of the Senate, and, on motion of Senator Thompson, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and seventeen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called, and Senate Bill No. 1171 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bliss, Birdsell, Black, Bryant, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juhlband, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Thompson, and Wright—27.

NOES—Senators Boynton, Burnett, Campbell, Shanahan, Stetson, Walker, and Welch—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Holohan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1171 was this day passed.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Bill No. 1159—An Act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-eight, and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 1159 ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—and report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 15 ordered on file.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

Senator Caminetti moved that the second-reading file of Senate bills be taken up for consideration, out of order.

Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Senate Bill No. 724 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 91—An Act to regulate the public service of stallions and jacks in the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

During second reading of the bill, the following amendment was submitted by committee:

Amend by striking out after the figures "925", line 3, Section 1, of the printed bill, all of the section down to and including the word "indictment" in lines 18 and 19, and insert in lieu thereof the following:

"The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times, except as herein provided, appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary. The grand jury, on the demand of the district attorney, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and reduce the same, upon the request of the district attorney, or of any other attorney acting in place and stead of the district attorney as herein provided, to longhand or typewriting. The services of such stenographic reporter constitute a charge against the county.

Amendment adopted

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 10 and 11, strike out the words "numbering each point in order,".

Amendment adopted.

Also:

On page 2, Section 1, line 21, insert a period after the word "appellant", and strike out the rest of the sentence to, and including, the words "case may be", in line 27.

Amendment adopted.

Also:

On page 2, Section 1, line 38, beginning with the word "where", strike out the remainder of the section.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 608 (Committee Substitute for)—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 608

An Act to regulate the business of advertising, to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who is not authorized by law to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in this State, who conducts the business of advertising and selling or offering to sell any drug or herb, or of treating or offering to treat with any drug or herb, with intent to cure or mitigate disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for a term of not less than ten days, nor more than one year, or by both such fine and imprisonment, *provided, however*, that nothing in this Act shall apply to the sale and advertisement of patent or proprietary remedies in original packages where the same is not prohibited under the provisions of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, in cases or deformities," approved March 20, 1903, as amended and approved March 21, 1907, and as amended and approved March 19, 1909; *and provided, further*, that nothing in this Act shall apply to pharmacists duly registered by the California State Board of Pharmacy, nor to the sale and advertisement of household remedies for domestic medication permitted under the provisions of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as amended and approved March 21, 1907, and as amended and approved March 21, 1907, and as amended and approved April 21, 1909.

All fines collected under the provisions of this Act shall be paid, seventy-five per cent to the State Board of Pharmacy, and twenty-five per cent to the county treasurer of the county in which the prosecution is conducted.

SEC. 2. Upon the conviction of the accused the district attorney must cause all herbs or drugs, in respect whereof the accused stands convicted, and which remain in the possession or control of such district attorney, to be destroyed.

SEC. 3. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Bill read second time, ordered engrossed, and on file for third reading.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MOTION.

Senator Walker moved that Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Also: Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Also: Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and

management of, public and private lands, within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Also: Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners—be recalled from the file, and re-referred to the Committee on Fish and Game.

Motion carried.

Assembly Bills Nos. 573, 574, 575, and 576 recalled from the file, and ordered re-referred to the Committee on Fish and Game.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof relating to what securities savings banks may invest their funds in—have met a like committee appointed by the Assembly, and respectfully report that we can not agree and therefore suggest a Committee on Free Conference to act on said bill.

TYRRELL,
CURTIN,
CUTTEN.

Committee from the Senate.

BISHOP,
SUTHERLAND,
JONES.

Committee from the Assembly.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he appointed Senators Tyrrell, Cutten, and Curtin as a Committee on Free Conference on Senate Bill No. 373, to act with a like committee from the Assembly.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The hour having arrived for the further consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor—the consideration thereof was resumed.

SPECIAL ORDER POSTPONED.

Senator Gates moved that the further consideration of Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor—be postponed and made a special order for March 9, 1911, at eight o'clock P. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion, that the President of the Senate appoint the Committee on Free Conference on Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—also the substitute motion offered by Senator Juilliard, and the point of order raised by Senator Estudillo—the same was taken up for consideration.

WITHDRAWAL OF SUBSTITUTE MOTION.

Senator Juilliard asked for, and was granted, unanimous consent, to withdraw the substitute motion.

POINT OF ORDER.

Senator Thompson raised the point of order, "That the motion of Senator Estudillo regarding the appointment of the Committee on Free Conference is out of order, under the Joint Rules governing the Senate and Assembly of the thirty-ninth session of the Legislature of the State of California, the appointment of the Committee on Free Conference being a duty of the President and not subject to motion by the Senate."

POINT OF ORDER WELL TAKEN.

The President ruled the point of order raised by Senator Thompson well taken.

REQUEST BY SENATOR JULLIARD.

Senator Juilliard made the following request in writing, which was read by the Secretary, and, on motion of Senator Walker, ordered printed in the Journal of Thursday, March 9, 1911:

PERSONAL REQUEST BY SENATOR JULLIARD.

That the President of the Senate be and he is hereby most respectfully requested to follow the former precedent of this Senate and the usual custom in the premises and that he select, on the free conference committee in reference to Assembly Bill No. 37, two Senators who voted with the majority and one Senator who voted with the minority when said bill was heretofore considered in this body.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he appointed Senators Estudillo, Stetson, and Thompson as a Committee on Free Con-

ference on Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—to act with a like committee from the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Juilliard arose, and spoke to a question of personal privilege.

RECESS.

At six o'clock and thirty-five minutes P. M., on motion of Senator Boynton, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CALL OF THE SENATE.

Senator Stetson moved a call of the Senate.

Motion carried.

Time, eight o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Boban, Bell, Birdsall, Boynton, Caminetti, Campbell, Gates, Hurd, Juilliard, Larkins, Stetson, Thompson, Walker, and Wright—15.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and fifteen minutes P. M., Senators Burnett, Hare, and Shanahan were brought to the bar of the Senate, and, on motion of Senator Wright, they were excused for absence from the Senate Chamber.

At eight o'clock and twenty minutes P. M., Senators Hewitt and Lewis were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

At eight o'clock and twenty-two minutes P. M., Senators Estudillo, Strobridge, Martinelli, Bills, Holohan, and Bryant were brought to the bar of the Senate, and, on motion of Senator Stetson, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

The roll of absentees was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wright—26.

SPECIAL ORDER POSTPONED.

Senator Gates moved that the further consideration of Senate Bill No. 921—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor—be postponed until Friday, March 10, 1911, immediately after the consideration of the second-reading file of Assembly bills.

Motion duly seconded.

The question being on the motion to postpone the further consideration of Senate Bill No. 921, the roll call was demanded by Senators Tyrrell, Birdsall, and Stetson.

The roll was called, and the motion to postpone carried by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Strobridge, Thompson, Walker, and Wright—18.

NOES—Senators Birdsall, Larkins, Lewis, Shanahan, Stetson, and Tyrrell—6.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all amendments thereto and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Also: Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Also: Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Also: Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property.

Also: Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also: Senate Bill No. 1217—An Act to amend Sections 2, 7, 13, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements, and to repeal Section 29 of said Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1006, 169, 49, 1032, 1046, 1137, 1197, 1079, and 1217 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Also: Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Also: Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p*, relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 747, 1008, and 528 ordered on file for third reading.

SENATOR CUTTEN IN THE CHAIR.

At eight o'clock and fifty minutes P. M., Senator Cutten, of the First District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Senate Bill No. 1046, for consideration out of order, for the purpose of amendment.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Larkins moved to refer to Senator Bell, as a special committee of one, to amend as follows:

In line 3, page 1, Section 1, after the word "materials", insert the following: "or feed, fuel, flour, provisions or other articles of merchandise, or other commodities."

Also: Strike out the period and insert a comma instead after the word "sale," in line 9, of Section 1, and insert the following: "by entering into, becoming a member of, or a party to any pool, trust, agreement, understanding or combination with any other individual, firm, corporation, partnership or association of persons whatsoever, to regulate or fix the price of or prevent or restrict the sale of such articles."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, MARCH 9, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1046, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

PRESENTATION OF BILLS.

Senator Avey offered, and sent to the desk for introduction, a bill.
Bill ordered referred to Committee on Introduction of Bills.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Campbell moved a call of the Senate.

Motion carried.

Time, eight o'clock and fifty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Larkins, Lewis, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—23.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and fifty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Campbell.

The roll of absentees was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Larkins, Lewis, Stetson, Thompson, Tyrrell, Walker, and Wright—22.

NOES—Senators Burnett, Cutten, and Shanahan—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Senate Bill No. 562 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1175 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Burnett, Assembly Bill No. 70 was temporarily passed on file, to retain its place.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was temporarily passed on file, to retain its place.

Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1032 passed by the following vote:

AYES—Senators Avey, Behan, Birdsall, Boynton, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1173 passed by the following vote:

AYES—Senators Avey, Behan, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Shanahan, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 996 passed by the following vote:

AYES—Senators Avey, Behan, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Finn, Gates, Hans, Hare, Hewitt, Holahan, Juilliard, Larkins, Lewis, Regan, Shanahan, Thompson, Tyrrell, Walker, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 987 passed by the following vote:

AYES—Senators Avey, Behan, Birdsall, Black, Boynton, Campbell, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 676—An Act to amend section thirteen hundred thirteen of the Civil Code of the State of California, relating to devise or bequest by will.

Read third time.

On motion of Senator Hurd, Senate Bill No. 676 was temporarily passed on file, to retain its place.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

On motion of Senator Wright, Senate Bill No. 893 was temporarily passed on file, to retain its place.

Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1217 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Shanahan, Thompson, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Senate Bill No. 924 was temporarily passed on file, in the absence of the author, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At nine o'clock and fifty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades and fixing the penalty for the violation thereof.

Senate Bill No. 964 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1176—An Act to amend Section 648*a* of the Civil Code, relative to building and loan associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1176 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsell, Black, Boynton, Burnett, Camanetti, Campbell, Curtin, Cutten, Estudillo, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Regan, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SPECIAL APPROPRIATION FILE.

On motion of Senator Black, the third-reading file of special appropriation bills was taken up for consideration.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Senate Bill No. 657 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No. 209 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Senate Bill No. 140 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 648 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Regan, Shanahan, Thompson, Tyrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

BEBAN, Chairman.

Assembly Bill No. 918 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors, and marines, under certain circumstances—have had the same under consideration, and respectfully report the same back without recommendation, and be re-referred to Committee on Finance.

BEBAN, Chairman.

Assembly Bill No. 1022 ordered re-referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients—have had the same under consideration, and respectfully report the same back without recommendation.

CUTTEN, Chairman.

Assembly Bill No. 1470 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 821 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 1235 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce; to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith.

Also: Senate Bill No. 442—An Act to provide for a State exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Also: Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 404, 442, and 1027 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 118—An Act to amend section three thousand six hundred and fifty-five of the Political Code, relating to the duties of county assessors—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 118 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Also: Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BLACK, Chairman.

Senate Bills Nos. 1097 and 1099 ordered on file for second reading.

MOTION.

Senator Gates moved that the Senate rescind the order making the further consideration of Senate Bill No. 921—An Act to establish an

institute of technology to be called the California Institute of Technology, and making an appropriation therefor—a special order for Friday, March 10, 1911, immediately after the consideration of the second reading file of Assembly bills.

Motion carried.

SPECIAL ORDER SET.

Senator Gates moved that the further consideration of Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—be made a special order for Friday, March 10, 1911, at seven o'clock A. M.

Motion carried.

PRESENTATION OF BILLS.

Senator Cutten offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 1037 for consideration, out of order.

Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1037 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Burnett, Canni-
netti, Campbell, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hood,
Juilliard, Regan, Thompson, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)

On motion of Senator Bell, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 395—An Act to add a new section to the Penal Code, to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Also: Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also: Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also: Senate Bill No. 391—An Act to add a new section to the Penal Code, to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Also: Senate Bill No. 1191—An Act to add a new section to the Penal Code, to be numbered Section 907, relating to the duties of grand juries.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 188, 383, 385, 386, 387, 388, 390, 391, 393, and 1191 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Assembly Bill No. 160—An Act entitled an Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to "loan of money," and providing for rate of interest thereon.

Also: Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for general electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion of use of water for generating electricity, or electrical or other power, otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Also: Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Also: Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Also: Assembly Bill No. 1090—An Act to regulate the wearing of hat pins.

L. B. MALLORY, Chief Clerk of the Assembly.
By **THOS. G. WALKER**, Assistant Clerk.

Also:

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

L. B. MAILLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Also :

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

SPECIAL ORDER SET.

Senator Bell moved that the further consideration of messages from the Assembly be made a special order for Friday, March 10, 1911, at ten o'clock and forty-five minutes A. M.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 304—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of perjury challenges.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain State buildings and grounds.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

On motion of Senator Bell, consideration of the above Assembly amendments to Senate Bill No. 935 was temporarily postponed.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Bell, the President pro tem, declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, March 10, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 9, 1911, the further reading was dispensed with, on motion of Senator Rush.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Boynton, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Van Pett Waller, of Los Angeles.

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. H. Cobb, of San Francisco.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 384—An Act to amend Section 895 of the Penal Code, and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 384 ordered to enrollment.

PRESENTATION OF BILLS, ETC.

Senator Gates offered, and sent to the desk for introduction, a concurrent resolution.

Senate concurrent resolution ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1104—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass and be re-referred to the Committee on Finance.

THOMPSON, Acting Chairman.

Senate Bill No. 1104 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1138—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

Also: Senate Bill No. 1102—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Also: Senate Bill No. 1105—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Acting Chairman.

Senate Bills Nos. 1138, 1101, 1102, and 1105 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 12—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

THOMPSON, Acting Chairman

Senate Constitutional Amendment No. 12 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Also: Senate Bill No. 446—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also: Assembly Bill No. 940—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict therewith.

Also: Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Also: Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Also: Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the Register of the State Land Office in relation to lands sold by the State.

Also: Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Also: Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Also: Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Also: Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Also: Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provisions of Section 3406 of the Political Code.

Also: Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

THOMPSON, Acting Chairman.

Assembly Bills Nos. 1078, 1079, 841, 910, 911, 1340, 1342, 1344, 1346, 1347, 1348, 1350, and 1351 ordered on file for second reading.

Senate Bills Nos. 1001 and 446 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly's Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

THOMPSON, Acting Chairman.

Assembly Constitutional Amendment No. 28 ordered on file.

PRESENTATION OF BILL.

Senator Campbell offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California to be numbered Section 3285a, relating to license of auctioneers.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 912 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Caminetti, Campbell, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Roseberry, Sanford, Strobridge, Thompson, Walker, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 913—An Act to amend Sections 3284 and 3285 of the Political Code of the State of California, relating to auctioneers and to their bonds and sureties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Campbell, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Lewis, Regan, Roseberry, Sanford, Strobridge, Thompson, Walker, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

On motion of Senator Regan, Senate Bill No. 978 was temporarily passed on file, to retain its place.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creat-

ing a forestry fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—SENATORS Avey, Bell, Bills, Black, Boynton, Curtin, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Sanford, Strobridge, Thompson, Walker, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 14.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1132 was temporarily passed on file, to retain its place.

Senate Bill No. 1133 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1133 was temporarily passed on file, to retain its place.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Senate Bill No. 1008 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an

amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

On motion of Senator Hare, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

On motion of Senator Welch, Senate Constitutional Amendment No. 32 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

On motion of Senator Welch, Senate Joint Resolution No. 23 was temporarily passed on file, to retain its place.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

On motion of Senator Hewitt, Senate Bill No. 899 was passed, to be placed at the foot of the file.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

On motion of Senator Hewitt, Senate Bill No. 1211 was temporarily passed on file, to retain its place.

Senate Bill No. 1141 (Committee Substitute for)—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1141 was passed, to be placed at the foot of the file.

Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Senate Bill No. 1242 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p*, relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

Senate Bill No. 528 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

On motion of Senator Martinelli, Senate Bill No. 1051 was passed, to be placed at the foot of the file.

Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

On motion of Senator Thompson, Senate Bill No. 570 was temporarily passed on file, to retain its place.

Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Senate Bill No. 934 be made a special order for Tuesday, March 14, 1911, immediately after the special order heretofore set.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1123 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Caminetti, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rosberry, Shanahan, Thompson, Walker, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Senate Bill No. 888 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitu-

tion of the State of California, by amending Section 19 of Article XI, relating to public utilities.

On motion of Senator Hewitt, Senate Constitutional Amendment No. 49 was passed, to be placed at the foot of the file.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

On motion of Senator Hewitt, Senate Bill No. 897 was passed, to be placed at the foot of the file.

Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

On motion of Senator Bills, Senate Bill No. 1067 was passed, to be placed at the foot of the file.

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

On motion of Senator Bills, Senate Bill No. 1068 was passed, to be placed at the foot of the file.

Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

On motion of Senator Hans, Senate Bill No. 654 was passed, to be placed at the foot of the file.

Senate Bill No. 675—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

On motion of Senator Bell, Senate Bill No. 675 was passed, to be placed on file as unfinished business.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Read third time.

On motion of Senator Hewitt, Senate Bill No. 901 was temporarily passed on file, to retain its place.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 1006 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1150 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Campbell, Cassidy, Curtin, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobbridge, Thompson, Walker, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Assembly amendments to Senate Bill No. 301, the same was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 301?"

In line 3, of the printed bill, after the word "charged", insert the word "may".
Also: In line 5, of the printed bill, strike out the word "fifteen" in each place where it appears in said line, and in each place where stricken out insert in lieu thereof the word "twenty".

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 301 by the following vote:

AYES—None.

NOES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobbridge, Thompson, Walker, and Wright—26.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Assembly amendments to Senate Bill No. 935, the same was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 935?"

In line 8, Section 1, page 1, of the printed bill, strike out the words "one mile", and insert in lieu thereof the words "three miles".

Also: After the word "misdemeanor", in line 15, Section 1, page 1, of the printed bill, insert a new section to read as follows:

"Sec. 2. This Act shall take effect on and after September 1, 1911."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 935 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Caminetti, Campbell, Gates, Hans, Hewitt, Holohan, Hurd, Julliard, Larkins, Lewis, Regan, Roseberry, Shannahan, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright. 24.

NOES—None.

Senate Bill No. 935 ordered to enrollment.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1260, by Senator Campbell, entitled "An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants."

Senate Bill No. 1277, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of the Colfax Livery and Feed Stable against the State of California."

Senate Bill No. 1276, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Geo. Campbell against the State of California."

Senate Bill No. 1275, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of D. K. McAulay against the State of California."

Senate Bill No. 1274, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Mrs. J. G. Garrison against the State of California."

Senate Bill No. 1273, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Ed C. Ellsworth against the State of California."

Senate Bill No. 1265, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Geo. F. McCall against the State of California."

Senate Bill No. 1264, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Auburn, Colfax and Forest Hill Stage Company against the State of California."

Senate Bill No. 1263, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Ma Wing Chong against the State of California."

Senate Bill No. 1262, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Harold T. Power against the State of California."

Senate Bill No. 1261, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Keena's Livery Stable against the State of California."

Senate Bill No. 1270, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of James Crooks against the State of California."

Senate Bill No. 1269, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of C. D. McKinley against the State of California."

Senate Bill No. 1268, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Phoenix Hotel against the State of California."

Senate Bill No. 1267, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Major A. W. Chase against the State of California."

Senate Bill No. 1266, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Remler Brothers against the State of California."

Senate Bill No. 1272, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of W. J. McHenry & Son against the State of California."

Senate Bill No. 1271, by Senator Birdsall, entitled "An Act appropriating money to pay the claim of Russell's Live-Stock Stable against the State of California."

Have had all of the foregoing under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended and the authors be permitted to introduce said bills.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce the bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Thompson moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juthard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, Welch, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and fifty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Thompson.

The roll of absentees was called, and resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juthard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, Welch, and Wright—30.

NOES—None.

INTRODUCTION OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Campbell: Senate Bill No. 1260—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Bill read first time, and referred to Committee on County Government.

By Senator Birdsall: Senate Bill No. 1261—An Act appropriating money to pay the claim of Keena's Livery Stable against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1262—An Act appropriating money to pay the claim of Harold T. Power against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1263—An Act appropriating money to pay the claim of Ma Wing Chong against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1264—An Act appropriating money to pay the claim of Auburn, Colfax and Forest Hill Stage Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1265—An Act appropriating money to pay the claim of Geo. F. McCall against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1266—An Act appropriating money to pay the claim of Remler Brothers against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1267—An Act appropriating money to pay the claim of Major A. W. Chase against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1268—An Act appropriating money to pay the claim of Phoenix Hotel against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1269—An Act appropriating money to pay the claim of C. D. McKinley against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1270—An Act appropriating money to pay the claim of James Crooks against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1271—An Act appropriating money to pay the claim of Russell's Livery Stable against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1272—An Act appropriating money to pay the claim of W. J. McCleary & Son against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1273—An Act appropriating money to pay the claim of Ed C. Ellsworth against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1274—An Act appropriating money to pay the claim of Mrs. J. G. Garrison against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1275—An Act appropriating money to pay the claim of D. K. McAnlay against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1276—An Act appropriating money to pay the claim of Geo. Campbell against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1277—An Act appropriating money to pay the claim of the Colfax Livery and Feed Stable against the State of California.

Bill read first time, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Also: Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1250 and 965 ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HURD, Chairman.

Senate Bill No. 1028 ordered on file for second reading.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 32 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Senate constitutional amendment read.

The following amendments were offered by Senator Welch:

By adding after the word "arbitration", in line 15, Section 21, the word "or".

Amendment adopted.

Also:

By striking out of Section 21, line 16, the word "and".

Amendment adopted.

Also:

By adding after the word "or", in line 16, the word "by".

Amendment adopted.

Also:

By adding after the word "either", in line 16, the words "any or all."

Amendment adopted.

Senate Constitutional Amendment No. 32 ordered to print, and on file.

SUSPENSION OF RULES.

Senator Strobbridge moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—the same was taken up for consideration.

Read third time on previous day.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes p. m., on motion of Senator Bell, the hour of recess was extended two hours and five minutes.

CONSIDERATION OF SPECIAL ORDER—RESUMED).

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 921 refused passage by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Caminetti, Campbell, Curtin, Estudillo, Gates, Hewitt, Hurd, Roseberry, Thompson, and Walker—14.

NOES—Senators Birdsall, Boynton, Bryant, Burnett, Cassidy, Cutton, Finn, Hans, Hare, Holohan, Juilliard, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobbridge, Tyrrell, Welch, and Wright—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 921 was this day refused passage.

LEAVES OF ABSENCE.

Senator Black was, on his own motion, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence for this day.

Senator Lewis was, on his own motion, granted leave of absence until Monday, March 13, 1911.

Senator Sanford was, on his own motion, granted leave of absence until Monday, March 13, 1911.

Senator Hans was, on his own motion, granted leave of absence until Monday, March 13, 1911.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the State Printer be, and is hereby, directed to print one thousand copies of Senate Bill No. 14, as amended.

Resolution read, and ordered referred to the Committee on Printing.

RECESS.

At two o'clock and thirty-five minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until eight o'clock.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Burnett, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 58. An Act providing for the improving and caring for the grounds of the Fresno State Normal School, and making an appropriation therefor.

Also: Assembly Bill No. 172. An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Also: Assembly Bill No. 265. An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Also: Assembly Bill No. 682. An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Also: Assembly Bill No. 712. An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Also: Assembly Bill No. 767. An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Also: Assembly Bill No. 1046. An Act to add a new section to the Penal Code of the State of California, relating to the regulation of loading and unloading of vessels, to be known and numbered 368*a* of said Code.

Also: Assembly Bill No. 768. An Act providing for the erection of a grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Assembly Bill No. 769. An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Assembly Bill No. 771. An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Also: Assembly Bill No. 1293. An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Also: Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Also: Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 58, 172, 265, 682, 712, 767, 1046, 768, 769, 771, 1293, 1307, and 1538 read first time.

Assembly Bills Nos. 58, 172, 712, 767, 768, 769, and 771 ordered referred to Committee on Finance.

Assembly Bills Nos. 265 and 1046 ordered referred to Committee on Judiciary.

Assembly Bill No. 682 ordered referred to Committee on Corporations.

Assembly Bill No. 1293 ordered referred to Committee on Education.

Assembly Bill No. 1307 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 1538 ordered referred to Committee on Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witnesses refusing to answer on the ground that such answer will incriminate himself.

Also: Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers.

Also: Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Also: Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Also: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 90, 91, 93, 94, 394, 408, 716, 785, 870, and 929 ordered to enrollment.

THIRD-READING FILE OF SPECIAL APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Roseberry, the third-reading file of special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic

building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

On motion of Senator Martinelli, Senate Bill No. 657 was passed, to be placed at the foot of the file.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No. 209 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was passed, to be placed at the foot of the file.

Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano, at the city of Sonoma, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 295 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 61 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Gates, Hewitt, Holohan, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Senate Bill No. 1243 was temporarily passed on file, in the absence of the author, to retain its place.

SECOND READING OF SPECIAL APPROPRIATION FILE—OUT OF ORDER.

On motion of Senator Roseberry, the second-reading file of special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

During second reading of the bill, the following amendments were submitted by committee:

In the title, after the word "erection", strike out the words "and equipment of a hospital", and insert in lieu thereof the following "of a hospital building."

Amendment adopted.

Also:

Strike out all of lines 3, 4, and 5, of Section 1, of the printed bill, and insert in lieu thereof the following: "ten thousand dollars to be used for the erection of a hospital building at the Preston School of Industry."

Amendment adopted.

Also:

After the word "warrant", in line 2, Section 2, of the printed bill, strike out the words "in favor of said board of trustees of the Preston School of Industry."

Amendment adopted.

Also:

Strike out all of Section 3.

Amendment adopted.

Also:

In Section 4, of the printed bill, strike out the figures "1911.", and insert in lieu thereof the following: "1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce; to define the duties of the Department of Engineering and of the Governor in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title on page 1, of the printed bill, and insert in lieu thereof the following: "To provide for the investigation of the practicability of the construction of canals and the canalization of rivers, their tributaries, and other waterways in California in aid of commerce; to define the duties of the Department of Engineering and of the Governor in relation thereto, and to make an appropriation to defray the cost of such investigation."

Amendment adopted.

Also:

Strike out all of Sections 2, 3, 4, 6, 8, of the printed bill.

Amendment adopted.

Also:

On page 5, Section 5, line 1, of the printed bill, strike out the numeral "5", and insert in lieu thereof the numeral "2"; also strike out of lines 1 and 2 the words

"surveys, plans and estimates", and insert in lieu thereof the word "investigation"; also in line 3, after the word "report", insert the words "and recommendations".

Amendment adopted.

Also:

On page 5, Section 7, line 1, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "3"; also in line 4, strike out the period after the word "California", and insert in lieu thereof a comma; also strike out the word "The" after the word "California" in line 4, and insert in lieu thereof the word "the"; also strike out the word "work" in line 6, and insert in lieu thereof the word "investigation".

Amendment adopted.

Also:

On page 6, Section 10, line 1, of the printed bill, strike out the numerals "10", and insert in lieu thereof the numeral "4"; also in line 1, in the blank space after the words "sum of" insert the words "two thousand five hundred".

Amendment adopted.

Also:

Add two new sections to the bill, to be numbered "5" and "6", and to read as follows:

"SEC. 5. The Controller of State is hereby directed to draw his warrant for the amount herein appropriated in favor of the officers of said Department of Engineering authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

"SEC. 6. This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Senate Bill No. 442 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, Section 1, of the printed bill, strike out the words "and fifty" after the word "hundred".

Amendment adopted.

Also:

In line 6, Section 1, of the printed bill, strike out the words "and fifty" after the word "hundred".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Senate Bill No. 1159 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holohan moved to refer to Senator Thompson, as a special committee of one, to amend as follows:

On page 1, line 2, of the title, before the word "seventeen", insert the following: "seventeen hundred fifty six."

Also: On page 2, after line 35, insert a new section to be numbered Section 2, and to read as follows:

"SEC. 2. Section 1756 of the Political Code is hereby amended to read as follows:

1756. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September of each year, an estimate of the amount of money required for maintaining the high school for the current school year, including rent of temporary quarters, if any. The first such estimate after the formation of such district shall also, if temporary quarters have been secured for the high school, include the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Every county board of education acting as trustees of a county high school shall annually make and file with the board of supervisors of their county the estimate required by this section, and an estimate of the amount needed for the current year to pay for the education of all high school pupils residing in such county outside of a high school district and attending a high school in another county, such estimate to be based upon the report of the superintendent of schools of such adjoining county provided for by Section 1758 of this code. Should the trustees of any county high school, or the high school board of any high school district fail to make the estimate provided for by this section, it shall be the duty of the superintendent of schools of the county, or having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September."

Also: On page 2, Section 2, line 1, strike out the figure "2", following the word "Sec.", and insert in lieu thereof the following: "3".

Also: On page 2, Section 2, line 3, strike out the word "first".

Also: On page 3, Section 2, line 38, strike out the word "second".

Also: On page 3, Section 3, line 1, strike out the figure "3" following the word "Sec.", and insert in lieu thereof the following: "4".

Also: On page 3, Section 3, line 3, strike out the word "first".

Also: On page 4, Section 3, line 41, strike out the word "school", and insert in lieu thereof the following: "schools".

Also: On page 5, Section 4, line 45, strike out the word "second".

Also: On page 5, strike out all of Section 4, and insert in lieu thereof the following:

"SEC. 5. This Act shall take effect July 1, 1911."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 1159, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1094 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for

their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

On page 2, Section 1, line 17, strike out the word "purpose", and in lieu thereof insert the word "purposes".

Also: On page 3, Section 1, line 41, after the comma following the word "saloon", insert the word "or".

Also: On page 3, Section 1, line 67, strike out the period, and in lieu thereof insert the following: "; or".

Also: On page 4, Section 3, line 4, strike out the word "persons", and in lieu thereof insert the word "person".

Also: On page 7, Section 8, line 8, strike out the following: ", to prepare a report".

Also: On page 10, Section 10k, line 58, after the word "in", insert the following: "each of the".

Also: On page 10, Section 10k, line 59, after the comma following the word "twenty-third", insert the following word: "twenty-fifth,".

Also: On page 10, Section 10r, line 76, after the word "in", insert the following: "each of the".

Also: On page 14, Section 16, line 32, strike out the word "its", and insert the word "his".

Also: On page 16, Section 18, line 18, strike out the word "person", and in lieu thereof insert the word "persons".

Also: On page 16, Section 18, line 22, strike out the letters "sons", and insert the letters "son".

Also: On page 17, Section 18, line 43, strike out the word "person", and insert the word "persons".

Also: On page 18, Section 20, line 36, strike out the word "its", and insert the word "his".

Also: On page 20, Section 21, line 24, strike out the word "therefore", and insert "thereafter".

Also: On page 21, Section 25, line 18, after the word "such" as it last appears in said line, insert the following: "superintendent, matron and other".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1094, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Campbell, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1094.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 656 and 1221 ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Roseberry, the second-reading file of Senate bills was taken up for consideration, out of order.

Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Senate Bill No. 724 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Senate Bill No. 304 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 941—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 1, line 72, strike out the word "July", and insert in lieu thereof the following: "September".

Amendment adopted.

Also:

On page 3, Section 1, line 54, insert after the word "the", and before the words "first day of December", the word "thirty".

Amendment adopted.

Also:

On page 3, Section 1, line 65, strike out the word "seventy-five," and insert in lieu thereof the following: "one hundred".

Amendment adopted.

Also:

On page 3, Section 1, line 55, insert after the word "year", the words "and also for the period of time embraced between the first day of April and the first day of June in each fiscal year".

Amendment adopted.

Also:

On page 3, Section 1, line 58, after the word "employed" insert a comma.

Amendment adopted.

Also:

On page 2, Section 1, line 26, strike out after the word of, "seventy-five", and insert in lieu thereof the following: "one hundred".

Amendment adopted.

Also:

On page 3, Section 1, line 54, strike out the word "July", and insert in lieu thereof the following: "August".

Amendment adopted.

Also:

On page 1, line 2, of the title, strike out the figures "4258", and insert in lieu thereof the following: "4251".

Amendment adopted.

Also:

On page 1, line 3, of title, strike out after the word "the", the figures "29th", and insert in lieu thereof the following: "22d".

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the figures "4258", and insert in lieu thereof the following: "4251".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the figures "4258", and insert in lieu thereof the following: "4251".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out after the word "the", "twenty-ninth", and insert in lieu thereof the following: "twenty-second".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen and sixteen thereof, relating to officers and salaries in counties of the ninth class.

During second reading of the bill, the following amendments were offered by Senator Wright:

Amend by striking out all after the enacting clause thereof, and inserting in lieu thereof the following:

"SECTION 1. Section four thousand two hundred and thirty-six of the Political Code is hereby amended as follows:

Section 4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided* that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk, who shall receive a salary of one thousand two hundred dollars per annum; three court clerks, who shall receive salaries of one thousand five hundred dollars per annum each; one deputy, who shall receive a salary of one thousand two hundred dollars per annum; and one judgment clerk, who shall receive a salary of nine hundred dollars per annum.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one under sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees:

One deputy who shall be head jailer, who shall receive a salary of one thousand five hundred dollars per annum; one additional deputy, who shall receive a salary of one thousand five hundred dollars per annum; five deputies, one of whom shall be assistant jailer, who shall receive salaries of one thousand two hundred dollars per annum each; one deputy, who shall be assistant jailer, who shall receive a salary of nine hundred dollars per annum; three deputies, who shall be known as county deputies, who shall receive salaries of twelve hundred dollars per annum each; one stenographer, who shall receive a salary of nine hundred dollars per annum.

In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive a salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the sheriff.

In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting of criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors and paid as other county charges are paid.

3. The recorder, three thousand six hundred dollars per annum; *provided* that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and paid as follows:

One chief deputy at a salary of one hundred and fifty dollars per month; one index deputy at a salary of one hundred dollars per month; one comparing deputy at a salary of one hundred dollars per month; one filing clerk at a salary of one hundred dollars per month, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording all instruments or notices except maps and plats, and for copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner, and out of the same funds as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum, and one deputy, who shall receive a salary of nine hundred dollars per annum.

5. The treasurer, three thousand six hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum and such fees as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; two deputies, who shall receive salaries of one thousand two hundred dollars each per annum; one deputy, who shall receive a salary of one thousand dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum.

The tax collector may also employ six clerks for a period not to exceed six months in any one year, at a salary of four dollars per day for each day employed.

7. The license tax collector, eighteen hundred dollars per annum.

8. The assessor, three thousand six hundred dollars per annum, and such fees and commissions as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum; two deputies during six months of each year, who shall receive one hundred dollars per month each; one deputy during five months of each year, who shall receive one hundred dollars per month; four deputies during four months of each year, who shall receive one hundred dollars each per month. And the assessor in counties of this class may, during the year 1911, and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall each receive as compensation the sum of four dollars per day for each day employed. The assessor may also appoint such number of additional deputies as he shall deem necessary, the salaries of such additional deputies to be paid by the assessor.

9. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of two thousand five hundred dollars per annum; one deputy district attorney, who shall receive a salary of one thousand five hundred dollars per annum, and a second deputy district attorney, who shall receive a salary of one thousand two hundred dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum.

10. The superintendent of public schools, two thousand five hundred dollars per annum; also one deputy at a salary of one thousand two hundred dollars per annum, and one bookkeeper, at a salary of one hundred dollars per month.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

13. The surveyor, three thousand dollars per annum; also one deputy, who shall receive one thousand five hundred dollars per annum; and two draughtsmen, who shall receive salaries of ninety dollars each per month, and such number of chainmen as may be necessary for field work, who shall receive a compensation of three dollars per day when working in the field.

14. Constables, in civil cases, such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more, in lieu of fees now allowed by law, the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than one hundred dollars as fees in misdemeanor cases; *provided, further*, that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present, two dollars per day; *provided, further*, that in all townships the constables thereof shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail.

15. Justices of the peace, in all townships having a population of sixteen thousand or more, one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no justices of the peace in such townships shall be allowed in any one month out of the county treasury, more than one hundred dollars in misdemeanor cases.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with suitable court room and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

16. Each member of the board of supervisors, one thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also five hundred dollars per annum each and fifteen cents for each mile actually traveled in performing service as road commissioner; *provided*, that said supervisors shall not in any one year receive more than one thousand dollars each in mileage as road commissioner.

17. In any office in counties of the seventh class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessor in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

Sec. 2. Section four thousand two hundred sixty-five of the Political Code is hereby amended as follows:

Sec. 4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum; also one deputy who shall receive a salary of nine hundred dollars per annum.

2. The sheriff, five thousand dollars per annum and all commissions, fees and mileage for the service of papers or process issued without his county. He shall also have for use in his office and under his supervision and control one under sheriff, which office of under sheriff is hereby by the terms of this Act expressly created. The said position of under sheriff to be filled by the sheriff in the same manner as are deputies appointed by him, and said under sheriff is to be at all times as to his duties under the supervision and control of the sheriff, which said under sheriff shall receive the salary of fifteen hundred dollars per annum. He shall have for use in his office and under his supervision and control, a court deputy, which office of court deputy is hereby by the terms of this Act expressly created. The said position of court deputy to be filled by the sheriff in the same manner as deputies are appointed by him, and said court deputy is to be at all times as to his duties under the supervision and control of the sheriff, which said court deputy shall receive a salary of nine hundred dollars per annum. The salary of said under sheriff and court deputy shall be paid by the county in equal monthly installments as other salaries are paid.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may employ as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of copyists herein provided for shall be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum, and five per cent on all licenses collected by him as license collector.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum, also one deputy, who shall receive a salary of one thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent shall be allowed one deputy for a period of not exceeding ten months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block-books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for Governor in each township at the general election next preceding.

Sec. 3. This Act shall take effect immediately."

Amendment adopted.

Also:

Amend the title of Senate Bill No. 680 by adding to the title thereof the following: "and to amend subdivision two of section four thousand two hundred sixty-five of the Political Code, relating to officers and salaries in counties of the thirty-sixth class."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1014—An Act to amend Section 4233 of the Political

Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, of the printed bill, after the word "of", strike out the word "fifteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also:

On page 2, Section 2, line 4, of the printed bill, after the word "shall", and before the word "receive", insert the word "each".

Amendment adopted.

Also:

On page 2, Section 2, line 5, of the printed bill, after the word "each", strike out the word "*provided*", and also strike out all of lines 6 and 7, which read as follows: "the sheriff shall not be allowed the additional deputy provided by Section 4290 of the Political Code of the State of California".

Amendment adopted.

Also:

On page 3, Section 3, line 3, of the printed bill, after the word "of", strike out the word "fifteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also:

On page 3, Section 3, line 5, of the printed bill, after the word "also", strike out the word "six", and insert in lieu thereof the word "seven".

Amendment adopted.

Also:

On page 3, Section 4, line 3, of the printed bill, after the word "of", strike out the word "fifteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also:

On page 3, Section 4, line 8, of the printed bill, after the word "shall", insert the word "each".

Amendment adopted.

Also:

On page 3, Section 4, line 8, of the printed bill, after the word "and", at the end of the line, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

Also:

On page 4, Section 5, line 3, of the printed bill, after the word "of", strike out the word "fifteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also:

On page 4, Section 6, line 8, of the printed bill, after the word "also", strike out the word "one", and insert in lieu thereof the word "three".

Amendment adopted.

Also:

On page 5, Section 8, line 2, of the printed bill, after the word "one", and before the word "deputy", insert the word "chief".

Amendment adopted.

Also:

On page 5, Section 8, line 3, of the printed bill, after the word "of", strike out the word "fifteen", and insert in lieu thereof the word "sixteen".

Amendment adopted.

Also:

On page 5, Section 8, line 3, of the printed bill, after the word "annum", at the end of the line insert the following: "two other deputy assessors who shall each receive a salary of fifteen hundred dollars per annum".

Amendment adopted.

Also:

On page 5, Section 8, line 11, of the printed bill, after the word "also", strike out the word "six", and insert in lieu thereof the word "seven".

Amendment adopted.

Also:

On page 6, Section 9, line 7, of the printed bill, after the word "annum", at the end of the line insert the following: "one detective who shall serve at a salary of twelve hundred dollars per annum; *provided, however,* that this amount shall be in full for all detective services rendered in counties of this class and no additional sum shall be allowed by the board of supervisors therefor".

Amendment adopted.

Also:

On page 7, Section 14, line 10, of the printed bill, after the word "shall", and before the word "be", insert the word "each".

Amendment adopted.

The following amendments were offered by Senator Walker:

On page 8, Section 14, line 44, of the printed bill, after the word "thirty", at the end of the line, strike out the word "seven", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 8, Section 14, line 45, of the printed bill, after the word "dollars", strike out the words "and fifty cents".

Amendment adopted.

Also:

On page 8, Section 14, line 46, of the printed bill, after the word "them", strike out the word "both".

Amendment adopted.

Also:

On page 8, Section 14, line 46, of the printed bill, after the word "cases", insert semicolon ";".

Amendment adopted.

Also:

On page 8, Section 14, line 46, of the printed bill, after the word "cases", strike out the rest of line 46, all of line 47, and part of line 48, as follows: "and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also", and insert in lieu thereof the words "as compensation".

Amendment adopted.

Also:

On page 8, Section 14, line 50, of the printed bill, after the word "fees", insert the following: "in civil cases".

Amendment adopted.

Also:

On page 8, Section 14, line 55, of the printed bill, after the word "surpeties", strike out the remainder of the paragraph as follows: "all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectable by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.", and insert in lieu thereof the following: "justices of the peace may receive and retain for their own use such fees as are now, or may hereafter be allowed for such services."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 417—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 979—An Act to regulate the work and hours of employees engaged in the occupation of cooks, cooks' helpers, waiters and waitresses, in public eating houses and providing a penalty for violation thereof.

On motion of Senator Regan, Senate Bill No. 979 was temporarily passed on file, to retain its place.

Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 118—An Act to amend section three thousand six hundred and fifty-five of the Political Code, relating to the duties of county assessors.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 6 and 7, after the word "separately", strike out the following: "() the total assessed valuation in his county of real estate, of improvements and all personal property", and insert in lieu thereof the words: "the assessed valuation in his county of different classes of property and such other statistics concerning real and personal property as shall be requested".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the Exposition building at Los Angeles.

Bill read second time, ordered engrossed, and on file for third reading.

PRESENTATION OF BILLS, ETC.

Senator Hewitt offered, and sent to the desk for introduction, a concurrent resolution.

Concurrent resolution ordered referred to Committee on Introduction of Bills.

Also:

Senator Cutten offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER)

Senator Hewitt asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Constitutional Amendment No. 5 for consideration, out of order, for the purpose of amendment.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Senate constitutional amendment read.

The following amendments were offered by Senator Hewitt:

On page 6, line 200, of the printed bill, after the comma following the word "provide", insert the following: "in addition to any other provisions allowable by this Constitution,".

Amendment adopted.

Also:

On page 7, strike out all of lines 10 to 25a, inclusive, and insert in lieu thereof the following:

"2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and".

Amendment adopted.

Also:

On page 7, lines 26 and 27, strike out all of line 26, and the word "thereof" in line 27, and insert in lieu thereof the following:

"3. For the number of justices of the peace and constables".

Amendment adopted.

Also:

On page 7, line 33, strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted.

Also:

On page 8, line 40, strike out the figure "6", and insert in lieu thereof the figure "5".

Amendment adopted.

Also:

On page 8, strike out, beginning with the comma following the word "removal", in line 47, and down to and including the word "otherwise", in line 51.

Amendment adopted.

Also:

On page 8, line 52, strike out the figure "7", and insert in lieu thereof the figure "6".

Amendment adopted.

Also:

On pages 8, 9 and 10, strike out all of lines 71 to 127, inclusive, and insert in lieu thereof the following:

"For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity: *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable: *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature."

Amendment adopted.

Also:

On page 10, line 135, strike out the period following the word "provided", and insert in lieu thereof a comma, and the following: "and except that elective officers of such county in office at the time such charter shall go into effect, shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law."

Amendment adopted.

Senate Constitutional Amendment No. 5 ordered to print, and on file.

MEMBERS' SPECIAL URGENCY FILE.

On motion of Senator Roseberry, the members' special urgency file was taken up for consideration.

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Senate Bill No. 1152 passed by request of the author, to be placed upon the general file.

Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 562 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Gates, Hewitt, Holahan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1379 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hewitt, Holahan, Hurd, Juilliard, Martinelli, Regan, Rush, Shanahan, Thompson, Tyrrell, Walker, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Read third time.

On motion of Senator Bills, Senate Bill No. 656 was temporarily passed on file, to retain its place.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Burnett, Assembly Bill No. 70 was passed, to be placed on the general file.

Senate Bill No. 83—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

On motion of Senator Campbell, Senate Bill No. 83 was passed, to be placed on the file as unfinished business.

Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1376 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Finn, Gates, Holahan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Senate Bill No. 925 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Shanahan, as a special committee of one, to amend as follows:

On page 5, Section 6, line 8, of the printed bill, amend by striking out the words, after the comma, "the lesser" and inserting in lieu thereof the word "either".

Also: On the same line, strike out the printed bill, the word "shall", and insert in lieu thereof the word "may".

Also: On page 20, Section 61, line 2, after the comma, strike out the following: "there shall be provided at least one water-closet for every two families", and insert in lieu thereof "at least one water-closet shall be provided for every two families".

Also: On page 20, Section 62, line 4, after the comma, and before the word "converted", insert the word "or".

Also: On page 20, Section 62, line 4, strike out the word "or", and insert in lieu thereof the words "to be".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1221, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHANAHAN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Burnett, the Secretary was directed to issue a rush order for printing Senate Bill No. 1221.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 676—An Act to amend section thirteen hundred thirteen of the Civil Code of the State of California, relating to devise or bequest by will.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 676 refused passage by the following vote:

AYES—Senators Bell, Birdsall, Cassidy, Cutten, Finn, Hurd, Juilliard, and Tyrrell—8.

NOES—Senators Avey, Beban, Bills, Boynton, Burnett, Campbell, Gates, Holohan, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Walker—15.

Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1250 passed by the following vote:

AYES.—Senators Avery, Behan, Bell, Bills, Bardsall, Bryant, Campbell, Cassin, Cutton, Finn, Gates, Hewitt, Holahan, Hurd, Juilliard, Marshall, Rogers, Roseberry, Shanahan, Strickbridge, Thompson, Tamm, and Walker—23.

NOES.—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Senate Bill No. 893 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Senate Bill No. 924 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 1006 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Cotton, Finn, Gates, Hewitt, Hurd, Juilliard, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Tyrrell, and Walker—22.

NOES—Senator Thompson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Holohan moved that the vote whereby Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will—was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Holohan moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will—was passed, be made a special order for Monday, March 13, 1911, immediately after the reading of the Journal.

Motion carried.

NOTICE OF MOTION TO RECONSIDER.

Senator Roseberry gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—was this day passed.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Constitutional Amendment No. 5.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROBRIDGE, Chairman.

Assembly Bill No. 1293 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 760—An Act to regulate the practice of medical massage in the State of California, and to provide for a state board of medical massage examiners, and to license medical masseurs to practice in this State, and punish persons violating the provisions of this Act—have had the same under consideration and respectfully report the same back, and recommend that it do pass as amended.

REGAN, Chairman.

Senate Bill No. 760 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District Number 822," and providing for the control and management thereof.

Also, Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District Number 823," and providing for the control and management thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman.

Senate Bills Nos. 1254 and 1255 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 1006 for consideration, out of order.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1006 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hewitt, Hurd, Juilliard, Regan, Roseberry, Shanan, Stetson, Strobebridge, Thompson, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 656 for consideration, out of order.

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hewitt, Hurd, Juilliard, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Tyrrell, and Walker—21.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1166—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Also: Senate Bill No. 1167—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc.

Also: Senate Bill No. 1168—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent.

Have had the same under consideration, and respectfully report the same back, and recommend that they be reported out and that the author be allowed to withdraw them.

STROBRIDGE, Chairman.

Senate Bills Nos. 1166, 1167, and 1168 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 943 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 571—An Act to amend Section 1576 of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder, or any part of the remainder, of the district, or districts, from which such city or incorporated town was organized—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

STROBRIDGE, Chairman.

Assembly Bill No. 571 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895.

entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Also Assembly Bill No. 240—An Act to amend Section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1906, and relating to age of school children.

Also Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc., for school superintendents.

Also Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of county superintendents of schools.

Also Assembly Bill No. 904—An Act to amend Section 1724 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

Senate Bill No. 1184 ordered on file for second reading.

Assembly Bills Nos. 240, 944, 945, and 904 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1253—An Act to provide for the construction, control and equipment of high school order companies, and for the promotion of rifle practice thereon, and appropriating the sum of five thousand dollars therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

STROBRIDGE, Chairman.

Senate Bill No. 1253 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Committee Substitute for Senate Bill No. 689—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town—have had the same under consideration, and respectfully report the same back, and recommend that it pass without recommendation.

STROBRIDGE, Chairman.

Committee Substitute for Senate Bill No. 689 ordered on file for second reading.

ON CORPORATIONS

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section to be numbered twenty-two a (22a), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

ROSEBERRY, Chairman.

Senate Constitutional Amendment No. 47 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 440—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management

of mutual fire insurance companies," approved March 19, 1907—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 440 ordered on file for second reading.

SENATOR THOMPSON IN THE CHAIR.

At nine o'clock P. M., Senator Thompson, of the Thirty-fifth District, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Walker, the second-reading file of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 7, strike out all of Sec. 7, and insert in lieu thereof the following: "This Act shall take effect within sixty days."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum and recall, by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, of the printed bill, strike out all of Section 1.

Amendment adopted.

Also:

On page 1, of the printed bill, strike out the words "Sec. 2", and insert in lieu thereof "Section 1".

Amendment adopted.

Also:

On page 1, of the printed bill, line 6, strike out the figure "3", and insert in lieu thereof the figure "2".

Amendment adopted.

Also:

On page 2, of the printed bill, strike out the words "Sec. 3", and insert in lieu thereof the words "Section 2".

Amendment adopted.

Also:

On page 3, of the printed bill, strike out the words "Sec. 4", and insert in lieu thereof the words "Section 3".

Amendment adopted.

Also:

On page 3, of the printed bill, strike out the words "Sec. 5", and insert in lieu thereof the words "Section 4".

Amendment adopted.

Also:

On page 5, of the printed bill, strike out the words "Sec. 6", and insert in lieu thereof the words "Section 5".

Amendment adopted.

Also:

On page 6, of the printed bill, strike out the words "Sec. 7", and insert in lieu thereof the words "Section 6".

Amendment adopted.

Also:

On page 6, of the printed bill, strike out the words "Sec. 8", and insert in lieu thereof the words "Section 7".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 1, line 73, strike out the quotation marks.

Amendment adopted.

Also:

On page 3, Section 1, line 73b, strike out the quotation marks and the period.

Amendment adopted.

Also:

On page 5, Section 1, lines 129 and 130, strike out the quotation marks.

Amendment adopted.

Also:

On page 7, Section 1, line 60, strike out the word "fifteen", and in lieu thereof insert the word "eighteen".

Amendment adopted.

Also:

On page 8, Section 1, line 71, after the semicolon following the word "annum" insert the following: "Four outside field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each;"

Amendment adopted.

Also:

On page 8, Section 1, line 71, strike out the word "seven", and in lieu thereof insert the word "three".

Amendment adopted.

Also:

On page 10, Section 1, lines 1 and 2, strike out the following words: "and in lieu thereof insert the following:"

Amendment adopted.

Also:

On page 10, Section 1, lines 2 and 4, strike out the quotation marks.

Amendment adopted.

Also:

On page 12, Section 1, strike out all of Subdivision 13, being lines 57 to 72, inclusive, and in lieu thereof, insert the following:

"13. The surveyor shall receive a salary of \$4,000 per annum and may appoint one deputy, which office is hereby created, at a salary of \$2700 per annum, the salary of such surveyor and such deputy shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law or by order of the board of supervisors of such county shall be performed by said surveyor at actual cost: *provided, however*, that on all such work, other than block book work hereafter provided for, transients and office men, when actually engaged on such county work, shall receive a per diem of not to exceed six dollars, and chairmen when actually engaged on such county work, shall receive a per diem of not to exceed three dollars; *and provided, further*, that whenever the surveyor is charged or directed to make, plat, trace, or otherwise to prepare maps, plat, or block books for the use of a county, city and county, or any municipality within such county, the surveyor may employ one chief draughtsman on such block book work who shall receive a per diem of not to exceed six dollars, and all other employees on such block book work at a per diem of not to exceed four dollars; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office, and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the time or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county, *provided, however*, that the board of supervisors of such county shall have no power to direct the making, platting, tracing, or otherwise preparing block books for the county except such as may be necessary to be so prepared to replace such as are worn out by usage or as shall be necessary to be made because of the subdivision of tracts of land contained in such block books."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Bill read second time, ordered on file for third reading.

MOTION

Senator Boynton moved to rescind the above order of the chair, and that Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof—be recalled from the third-reading file.

Motion carried.

Assembly Bill No. 313 ordered recalled from third-reading file.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

During second reading of the bill, the following amendments were offered by Senator Hurd:

Amend the title of the printed bill by striking from line 2 thereof the words "and maintenance".

Amendment adopted.

Also:

On page 3, Section 1, line 54. strike out the word "maintain".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble minded, and to support of such transferred patients.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Boynton asked for, and was granted, unanimous consent to withdraw Senate Bill No. 660—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Senate Bill No. 660 withdrawn, and ordered stricken from the file.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—OUT OF ORDER.

Senator Beban asked for, and was granted, unanimous consent to take up for consideration, out of order, the amendments heretofore offered to Senate Constitutional Amendment No. 48, and printed in the Journal of March 8, 1911, as follows:

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitu-

tion of the State, by amending Section 84 of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

AMENDMENTS OFFERED BY SENATOR BEBAN

On page 2, line 22, of printed bill, immediately after the word "qualifications", strike out the word "and", and insert in lieu thereof a comma.

Also, On page 2, line 23, of printed bill, after the word "compensation", insert the words "and removal".

Also, On page 2, of printed bill, strike out lines 38 to 50, both inclusive, and insert in lieu thereof the following:

"Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith are hereby confirmed and declared valid."

MOTION.

Senator Beban moved the adoption of the above amendments.

Motion carried.

Senate Constitutional Amendment No. 48 ordered to print, and on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 1132 for consideration, out of order, for the purpose of amendment.

Committee Substitute for Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 1½.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Hurd, as a special committee of one, to amend as follows:

On page 5, Section 2, lines 18 to 22, strike out beginning with the word "bonded" in line 18, and down to and including the word "petition" in line 22, and insert in lieu thereof the following: "such bonded indebtedness of such corporation, outstanding at the date of such annexation, or theretofore authorized."

Also, On pages 5 and 6, lines 32 to 45, strike out beginning with the word "the" in line 32, and down to and including the letters "est" at the beginning of line 45, and insert in lieu thereof the following: "such bonded indebtedness of such municipal corporation, outstanding at the date of the said annexation, or theretofore authorized, and to be represented by bonds thereafter to be issued. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1132, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and reëngrossment.

CONSIDERATION OF BILL. (OUT OF ORDER.)

Senator Hewitt asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 1133 for consideration out of order, for the purpose of amendment.

Committee Substitute for Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Hurd, as a special committee of one, to amend as follows:

On page 2, Section 1, line 19, after the word "any", insert the word "such".

Also: On page 2, Section 1, lines 21 to 26, strike out, beginning with the words "the election", in line 21, and down to the period in line 26, and insert in lieu thereof the following: "such consolidation, or theretofore authorized."

Also: On pages 2 and 3, Section 1, lines 31 to 58, strike out, beginning with the word "the", in line 31, and down to and including the words "of any", in line 58, and insert in lieu thereof the following: "such property as it may be proposed in said petition shall be taxed to pay such bonded indebtedness of any one or more of such municipal corporations proposed to be consolidated, as specified in said petition, other than that in which such property is situated, shall, after the date of such consolidation, be taxed equally with the property within the municipal corporation or corporations originally incurring, or authorizing the incurring of, such indebtedness, to pay the same. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication or posting of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable or to be payable on such indebtedness; and upon the canvass of the returns of the election held in pursuance of such notice, if it shall appear that two thirds of all the ballots cast in each municipal corporation the property in which it is proposed, as aforesaid, shall, after consolidation, be subject to taxation to pay any".

Also: On page 3, Section 1, line 70, strike out the word "territory", and insert in lieu thereof the word "property".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1133, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and reëngrossment.

WITHDRAWAL OF BILLS

Senator Bryant asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1166—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Also: Senate Bill No. 1167—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, experssage, printing, etc.

Also: Senate Bill No. 1168—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent.

Senate Bills Nos. 1166, 1167, and 1168 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 925 for consideration, out of order.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Cannetti, Campbell, Cassidy, Curtin, Finn, Gates, Hewitt, Hobbs, Hund, Juilliard, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 1211, for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 7, 1893.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

On page 1, Section 1, line 9, after the word "represent", insert the following: "assessments of twenty-five dollars, or over, for".

Also: On page 2, Section 2, line 3, strike out the word "exjiration", and insert in lieu thereof the word "expiration".

Also: On page 2, Section 2, lines 5 and 6, strike out the words "legislative department", and insert in lieu thereof the words "city council".

Also: On page 3, Section 2, line 50, strike out the period after the word "California", and insert in lieu thereof a comma and a blank line, followed by a period, as follows:

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1211, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and reëngrossment.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Stetson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein" and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No 685?"

Strike out after the word "contain", in lines 2 and 3, in Section 2, page 2, of printed bill, the following: "in addition to the facts required by law to set out in an ordinary suit to quiet title,".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 685 by the following vote:

AYES—Senators Avey, Behan, Bell, Bill, Boynton, Caminetti, Campbell, Cassidy, Cutton, Finn, Gates, Hewitt, Hurd, Juilliard, Regan, Shanahan, Stetson, Strobege, Thompson, Tyrrell, and Walker—21.

NOES—None.

Senate Bill No. 685 ordered to enrollment.

ADJOURNMENT.

At ten o'clock P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE

SENATE CHAMBER,

Saturday, March 11, 1911

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Birdsell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curry, Cutton, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Jurland, Larkins, Macinetti, Regan, Roscherry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrool, Walker, Wolfe, and Wright—33

Quorum present

PRAYER

Prayer by Rev. Father John H. Ellis, of Sacramento

READING OF THE JOURNAL

During the reading of the Journal of Friday, March 10, 1911, the further reading was dispensed with, on motion of Senator Rush

PRIVILEGE OF FLOOR OF SENATE EXTENDED

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. F. Mixon of Woodland.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to George Rush of Riverside.

LEAVES OF ABSENCE.

Senator Welch was, on motion of Senator Cassidy, granted leave of absence for this day.

Senator Bills was, on motion of Senator Walker, granted leave of absence for this day.

PETITION.

The following petition was presented, and ordered printed in the Journal:

LARKSPUR TOWN SCHOOL DISTRICT.

MARIN COUNTY, CAL., March 10, 1911.

To the Honorable Senate of the State of California:

GENTLEMEN: In joint session, the seventh grade and the eighth grade improvement clubs of the Larkspur School, Marin County, California, unanimously protested against the abolition of the school holidays contemplated by Senator Holohan's Senate bill, for the following reasons:

First—These holidays are happy respites from the severe mental labor exacted by a school system that must employ an extensive and trying course of study to keep pace with the rapid strides of our country, and the abolition of these holidays would be a reversal of the growing necessity and demand for rest in the fearful industrial, business, professional, and school grind demanded to keep abreast of American activity and energy.

Second—Such a law, leaving the determination of the holiday to local boards of trustees, rather than a uniform holiday by the State, is likely to result in an inequality of school life disposed to breed sectional jealousies, bickerings, truancies, etc.

Third—These days are employed in our school and in most schools to arouse industrial and historical inquiry, and to awaken a spirit of patriotism and emulation of the noblest American life and thought, prompting, for several days approaching

the holiday, song and story, reading and recitative, picture and portrayal, capped by a cessation of school work for the day and the replacement of that work by excursions to city or country, intensely conducive to bodily and mental improvement.

Respectfully submitted,

CHARLES CLARK, Secretary.

FAITH VOORHIES, Secretary.

Approved: H. C. HALL, Principal

ZIEGLA HEYDENFELD,
President Seventh Grade Improvement Club

WM. BREIDHOFF,
President Eighth Grade Improvement Club.

RESOLUTIONS.

The following resolutions were introduced by Senator Roseberry:

Resolved, That E. Van Alstyne, Clerk of the Committee on Printing, Hazel H. Gibbs, Assistant Postmistress, and Mary Hughes, Assistant Postmistress, be and they and each of them are hereby dropped from the list of attachés of the Senate, and they and each of their names are hereby stricken from the pay roll of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Campbell, Cartwright, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Rush, Shanahan, Thompson, Walker, Wolfe, and Wright—21.

NOES—Senator Caminetti—1.

Also:

Resolved, That Arthur S. Gram, stenographer, be and he is hereby dropped from the list of attachés of the Senate, and his name is hereby stricken from the pay roll of said Senate, and the name of S. Doan be substituted in the place thereof at the salary of \$5.00 per day, for the position of stenographer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—21.

NOES—Senator Rush—1.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies—have had the same under consideration, and respectfully report the same back, and recommend that same be adopted.

ROSEBERRY, Chairman.

Assembly Constitutional Amendment No. 50 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 503b, and relating to party telephone lines and wires—have had the same under consideration, and respectfully report the same back, and recommend that same do not pass.

ROSEBERRY, Chairman.

Assembly Bill No. 389 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Also: Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances; and providing the punishment for the violation thereof.

Also: Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Also: Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," passed March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

ROSEBERRY, Chairman.

Assembly Bills Nos. 46, 312, 494, and 740 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1216—An Act authorizing any city and county, incorporated city or town to require persons, firms or private corporations owning or operating public utilities of the same class therein, to interchange the services furnished thereby—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute be adopted.

ROSEBERRY, Chairman.

Senate Bill No. 1216 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BILLS, Chairman.

Senate Bill No. 1049 ordered on file for second reading.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 1200—An Act granting to the city and county of San Francisco, State of California, any and all property, real, personal and mixed, in possession of the State of California, and situated in the city and county of San Francisco, and under the jurisdiction and control of the State Board of Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Senate Bill No. 1200 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Assembly Bill No. 1142 ordered on file for second reading.

ON MINING AND OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, March 10, 1911

MR. PRESIDENT: Your Committee on Mining and Oil Industries, to whom was referred Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BIRDSALL, Chairman.

Assembly Bill No. 1031 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California, to be numbered section three hundred twenty-seven, relating to gift enterprises—have had the same under consideration, and respectfully report the same back without recommendation.

STETSON, Chairman.

Senate Bill No. 1066 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 28—An Act to add a new section to the Political Code, to be numbered 40851, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Also: Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 28 and 1402 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

Also: Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Also: Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Also: Senate Bill No. 902—An Act to add a new section to the Political Code, to be known and numbered as Section 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

Also: Senate Bill No. 904—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1020, relating to the service of summons in actions for divorce or annulment of marriage.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 303, 902, and 904 ordered on file for second reading.

Assembly Bills Nos. 1088 and 380 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1302—An Act to amend section four thousand two hundred and

sixty three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty fourth class.

Also Senate Bill No. 1083—An Act to amend section SIXTY SEVEN *a* of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of two additional superior court judges in Los Angeles County, and providing for their compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Assembly Bill No. 1302 ordered on file for second reading.

Senate Bill No. 1083 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery, and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 726 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions, to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine, to license the manufacture and sale of renovated butter, and oleomargarine, to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese, to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor; and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Also: Senate Bill No. 60—An Act to provide an appropriation for the erection of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 63—An Act to provide an appropriation for the erection of a reception and lunch-room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 64—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1906.

Also: Senate Bill No. 701—An Act to amend Section 637a of the Penal Code of the State of California, relating to the killing of birds other than game birds.

Also: Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor.

Also: Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889.

Also: Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Also: Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Also: Senate Bill No. 1035—An Act to make appropriation for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 453, 60, 63, 64, 217, 701, 339, 737, 738, 952, and 1035 ordered on file for third reading.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—be made a special order for Tuesday, March 14, 1911, immediately after the reading of the Journal.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wright moved that the vote whereby Senate Bill No. 921—An Act to establish an institute of technology, to be called the California Institute of Technology, and making an appropriation therefor—was refused passage, be now reconsidered.

Motion duly seconded.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 921 was refused passage be made a special order for Monday, March 13, 1911, immediately after the consideration of the second-reading file of Assembly bills.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Roseberry moved that the vote whereby Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—was passed, be now reconsidered.

Motion duly seconded.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 691 was passed,

he made a special order for Monday, March 13, 1911, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1008 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Gates, Hewitt, Julliard, Larkins, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Senate Constitutional Amendment No. 14 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

Senate Joint Resolution No. 23 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Senate Bill No. 1242 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *p.* relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Estudillo, Gates, Hewitt, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

On motion of Senator Thompson, Senate Bill No. 570 was passed, to be placed at the foot of the file.

Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

On motion of Senator Burnett, Senate Bill No. 888 was passed, to be placed at the foot of the file.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

On motion of Senator Hewitt, Senate Bill No. 901 was passed, to be placed at the foot of the file.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California

On motion of Senator Estudillo, Senate Bill No. 653 was passed, to be placed at the foot of the file.

WITHDRAWAL OF BILL.

Senator Stetson asked for, and was granted, unanimous consent to withdraw Senate Bill No. 719—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905."

Senate Bill No. 719 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

On motion of Senator Larkins, Senate Bill No. 238 was passed, to be placed at the foot of the file.

Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Gates, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1185—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1185 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

On motion of Senator Avey, Senate Constitutional Amendment No. 38 was passed, to be placed at the foot of the file.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

On motion of Senator Estudillo, Senate Bill No. 572 was passed, to be placed at the foot of the file.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 611 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

On motion of Senator Thompson, Senate Bill No. 936 was passed, to be placed at the foot of the file.

Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 1, line 1, before the word "Section", insert the following: "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

On motion of Senator Hewitt, Senate Bill No. 1137 was temporarily passed on file, to retain its place.

Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 881 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

On motion of Senator Gates, Senate Bill No. 882 was temporarily passed on file, to retain its place.

Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1081 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Boynton, Bryant, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code, relating to community property.

Read third time.

On motion of Senator Larkins, Senate Bill No. 1197 was temporarily passed on file, to retain its place.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Governor was taken up:

EXECUTIVE OFFICE.
SACRAMENTO, CAL., March 11, 1911.

To the Senate of the State of California:

I return you herein Senate Bill No. 240 and Senate Bill No. 241, each without my approval.

Senate Bill No. 241 repeals Section 603 of the Civil Code, while Senate Bill No. 240 adds a new section to the Civil Code to be known as 604a, and reenacts practically Section 603 as it has heretofore existed with additional provisions. Section 603 heretofore existing and the new enactment, Section 604a, relate to religious corporations. The last paragraph of your Act, Senate Bill No. 240, greatly enlarges the powers of these religious corporations, and among the enumeration of the new powers of such corporations occurs the following: "To receive bequests and devises for its own use, or upon trusts, to the same extent as a natural person may". You are all familiar, doubtless, with Section 1313 of the Civil Code, which provides that all dispositions of property to charitable or benevolent corporations, by any

testator, shall not exceed one third of the estate of such testator. The policy of our law, as embodied in Section 1313, represents the experience and wisdom of centuries. It is the policy, I believe, of almost every state in the Union. Our jurists have ever been united in upholding that policy and in insistence upon its continuance. Any enactment which may destroy Section 1313 of the Civil Code, or even menace it, I can not assent to. It is quite possible that your particular bill may be construed as not entrenching upon this provision of the Civil Code. The matter, however, I have submitted to the Attorney General and he advises me that he is in doubt as to whether or not the rule announced by Section 1313 will be affected by your bill and that he considers there is great danger to that section if Senate Bill 240 shall become a law. I do not believe we should menace such a salutary rule, and for that reason, I have vetoed the two bills.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 240 sustained by the following vote:

AYES—Senator Gates—1.

NOES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.

Also:

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 241 sustained by the following vote:

AYES—Senator Gates—1.

NOES—Senators Avey, Beban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—24.

QUESTION OF PERSONAL PRIVILEGE.

Senator Gates arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I desire to explain my votes against sustaining the veto of the Governor of Senate Bills Nos. 240 and 241. I voted thus in order that I may consistently continue to support the amendment to Section 1313 of the Civil Code, embodied in Senate Bill No. 1171, now pending before the Senate, and for no other reason, and with no diminution of my high respect for the views of the Governor.

WITHDRAWAL OF BILL.

Senator Bryant asked for, and was granted, unanimous consent to withdraw Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

Senate Bill No. 571 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS, ETC.—(RESUMED).

Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California, relating to judicial department of the State, and creating a court of impeachment.

On motion of Senator Wright, Senate Constitutional Amendment No. 3 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies.

On motion of Senator Burnett, Senate Constitutional Amendment No. 53 was temporarily passed on file, to retain its place.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

On motion of Senator Hurd, Senate Bill No. 959 was temporarily passed on file, to retain its place.

Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

On motion of Senator Hurd, Senate Bill No. 1079 was passed, to be placed at the foot of the file.

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

On motion of Senator Caminetti, Senate Bill No. 965 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 417—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Also, Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Also: Committee Substitute for Senate Bill No. 608—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

Also: Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Also: Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Also: Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 417, 430, 1097, 1099, 1235, and Committee Substitute for Senate Bill No. 608 ordered on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULE.

Senator Holohan moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 952 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Tyrrell, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 737—An Act to amend Section 3 of an Act entitled "An Act to amend sections three, five, six and ten of an Act entitled 'An Act to provide for the maintenance and support of the public parks

heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto,' approved March 14, 1889," approved March 24, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cutten, Gates, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

Senate Constitutional Amendment No. 42 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters.

Senate Constitutional Amendment No. 28 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

On motion of Senator Regan, Senate Bill No. 978 was passed, to be placed at the foot of the file.

Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Senate Bill No. 899 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1141 (Committee Substitute for)—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds.

Committee Substitute for Senate Bill No. 1141 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

On motion of Senator Martinelli, Senate Bill No. 1051 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitu-

tion of the State of California by amending Section 19 of Article XI relating to public utilities.

Senate Constitutional Amendment No. 49 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1067—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 1067 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 1068 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Senate Bill No. 654 was temporarily passed on file, in the absence of the author, to retain its place.

SENATOR STETSON IN THE CHAIR.

At twelve o'clock and five minutes P. M., Senator Stetson, of the Fifteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Read third time.

On motion of Senator Boynton, Senate Bill No. 1152 was temporarily passed on file, to retain its place.

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Senate Bill No. 897 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 12—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission.

to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

Senate Constitutional Amendment No. 12 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Senate Constitutional Amendment No. 47 was temporarily passed on file, in the absence of the author, to retain its place.

THIRD READING OF SPECIAL APPROPRIATION BILLS—OUT OF ORDER.

On motion of Senator Roseberry, the third-reading file of special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Senate Bill No. 209 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 60 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Boynton, Bryant, Campbell, Cassidy, Cutten, Gates, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 63 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Gates, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Tyrrell, Walker, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Holohan, Juilliard, Larkins, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—24
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Avey, Beban, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Senate Bill No. 1243 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

On motion of Senator Martinelli, Senate Bill No. 657 was temporarily passed on file, to retain its place.

Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

On motion of Senator Caminetti, Senate Bill No. 140 was temporarily passed on file, to retain its place.

Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1235 passed by the following vote:

AYES—Senators Avey, Beban, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Senate Bill No. 1152 for consideration, out of order.

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1152 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SPECIAL APPROPRIATION FILE—(OUT OF ORDER).

On motion of Senator Roseberry, the second-reading file of special appropriation bills was taken up for consideration, out of order.

Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, of the printed bill, after the words "exposition commissioners", strike out all the remainder of the sentence up to and including the words "State of California", in line 7.

Amendment adopted.

Also:

On page 2, Section 3, of the printed bill, strike out the words "five hundred", and insert in lieu thereof the following: "fifty".

Amendment adopted.

Also:

On page 2, Section 3, line 4, of the printed bill, after the words "expense of", strike out all the remainder of the paragraph and insert in lieu thereof the following: "preparing the plans and specifications and constructing the foundation for an exposition building, to be erected at the Panama-California Exposition, to be held in San Diego in the year 1915, which plans and specifications shall provide for a

building to cost not less than two hundred and fifty thousand dollars. The amount herein appropriated shall be available on and after July 1, 1912."

Amendment adopted.

Also:

On page 2, Section 4, lines 3 and 4, strike out the words "five hundred", and insert in lieu thereof the following: "fifty".

Amendment adopted.

Also:

After the words "State of California", on page 2, Section 6, line 2, of the printed bill, insert the following: "and from the provisions of an Act entitled 'An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,' approved March 22, 1900.'"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Campbell, the second-reading file of Assembly bills was taken up for consideration, out of order.

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

During second reading of the bill, the following amendment was offered by Senator Holohan:

On page 2, Section 1, line 27, strike out the period after the word "afternoon", and insert in lieu thereof a semicolon and add the following: *and provided, further,* that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday. Said public school shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

During second reading of the bill, the following amendment was offered by Senator Holohan.

On page 2, Section 1, line 25, strike out the period after the word "afternoon", and insert in lieu thereof a semicolon and add the following: *and provided, further,* that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday. Said public school shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and

forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Bill read second time, and ordered on file for third reading.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1340—An Act to amend Section 3515 of the Political Code, relating to the non-payment of principal and interest of state lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1314—An Act to amend Section 3659 of the Political Code, relating to the duty of the Register of the State Land Office in relation to lands sold by the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Bill read second time, and ordered on file for third reading.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended for thirty minutes.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1347—An Act to amend Section 3408*d* of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of

indemnity certificates or scrip entitling the owner to have selected for him Government lands in lieu thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provisions of Section 3406 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the words "cities and counties", and insert in lieu thereof the following: "city and county".

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the words "cities and counties", and insert in lieu thereof the following: "city and county".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by an Act approved March 20, 1905, and relating to age of school children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Bill read second time, and ordered on file for third reading

CONSIDERATION OF BILL—(OUT OF ORDER.)

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 959 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Bell, as a special committee of one, to amend as follows:

On page 1, Section 1, line 1, strike out the words "shall be", and insert in lieu thereof the words "has been".

Also: On line 2, Section 1, strike out the words "shall be", and insert in lieu thereof the words "has been".

Also: On line 3, Section 1, insert after the word "home" the following: "and who is afflicted with hereditary insanity or incurable chronic mania or dementia".

Also: On line 3, Section 2, also, line 10 and line 12, strike out the word "person", and insert in lieu thereof in each place the word "recidivist".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 959, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bell asked for, and was granted, unanimous consent to take up Assembly Bill No. 883 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out the comma after the word "property" in line 4, of Section 1, page 1, of printed bill, and insert in lieu thereof a period; also strike out the balance of line 4, all of line 5, and the words "shall any" in line 6, and insert in lieu thereof and before the word "officer" in line 6, the word "No".

Also: By inserting after the comma following the word "property" in line 8, of Section 1, page 1, the word "shall".

Also: By striking out the period after the word "danger" in line 20, of Section 1, page 2, of printed bill, and insert in lieu thereof a comma and the following: "but in all such cases damage may be recovered against the county, city, or city and county as in ordinary actions for damages and in cases of judgment recovered against the county the amount thereof and cost shall be paid out of the road district fund of the district where the accident occurred, and in all other cases the judgment must be paid out of the general fund of such county, city, or city and county."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 883, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 1137 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

By striking out of Section 1, line 55, the period following the word "university", and inserting in lieu thereof the following: "also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1137, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Senate Bill No. 453 for consideration, out of order.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter or cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Birdsall, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hewitt, Holohan, Juddard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobeidge, Thompson, Walker, and Wolfe—22.

NOES—Senators Boynton and Bryant—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 1035 for consideration, out of order.

Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1035 passed by the following vote:

AYES—Senators Behan, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobeidge, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 28 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters.

The following amendment was offered by Senator Hewitt:

Amend by striking out all of the resolution after the words "eight of", in line 10, and inserting in lieu thereof the following: "this article may, under general laws, be consolidated with other cities into one municipal corporation, whether such other cities are governed under charter so framed, or are incorporated under general or special laws, and such consolidated municipal corporation shall be governed as a city with the name of the one of such cities having the greatest population, determined as provided by general laws, and under the charter or laws governing such city having the greatest population. The provisions of this Constitution applicable to cities shall apply to such consolidated municipal corporation."

MOTION.

Senator Hewitt moved that the amendment be printed in the Journal, and that further consideration be postponed, the Senate constitutional amendment to retain its place on third-reading file.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HURD, Chairman.

Assembly Bill No. 1339 ordered on file for second reading.

TIME OF RECESS EXTENDED.

At one o'clock P. M., on motion of Senator Campbell, the hour of recess was extended fifteen minutes.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Birdsall, the second-reading file of Senate bills was taken up for consideration, out of order.

Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Senate Bill No. 724 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Senate Bill No. 304 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 979—An Act to regulate the work and hours of employees engaged in the occupation of cooks, cooks' helpers, waiters and waitresses, in public eating houses and providing a penalty for violation thereof.

On motion of Senator Regan, Senate Bill No. 979 was passed, to be placed on file as unfinished business.

Senate Bill No. 1138—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, strike out the words and figures "and 1241", and insert in lieu thereof the following: "1241, 1247, and 1248".

Amendment adopted.

Also:

On page 2, Subdivision 4, Section 1, strike out all of lines 20 to 26, inclusive, and insert in lieu thereof the following: "that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed a more necessary use than the public use to which such property has been already appropriated, and provided, further, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by a municipal corporation, for another public use or purpose, which is consistent with the continuance of the use of such property, or some portion thereof, for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by such municipal corporation, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures or improvements therein or thereon, so far as may be required by such common use."

Amendment adopted.

Also:

On page 2, Subdivision 6, Section 1, line 31, after the word "way", strike out the comma, and the following: "(longitudinally or otherwise).".

Amendment adopted.

Also:

On page 2, Subdivision 6, Section 1, line 38, immediately before the word "use", insert the word "limited".

Amendment adopted.

Also:

On pages 2 and 3, Subdivision 6, Section 1, strike out all of lines 43 to 73, inclusive.

Amendment adopted.

Also:

On page 4, Section 2, strike out all of lines 9 to 15, inclusive, and insert in lieu thereof the following: "use; provided, that where such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed more necessary uses than the public use to which such property has been already appropriated."

Amendment adopted.

Also:

On page 4, following line 15, of Section 2, of the printed bill, insert the following: "Sec 3. Section 1247 of the Code of Civil Procedure is hereby amended to read as follows:

1247. The court shall have power:

1. To regulate and determine the place and manner of making connections and crossings, and of removing or relocating structures or improvements, or of enjoying

the common, or modified, or limited use, mentioned in the fourth and sixth subdivisions of section twelve hundred and forty:

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor;

3. To determine the respective rights of different parties seeking condemnation of the same property.

SEC. 4. Section 1248 of the Code of Civil Procedure is hereby amended to read as follows:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad;

6. If the removal or relocation of structures or improvements is sought, the cost of such removal or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be passed for each source of damages separately."

Amendment adopted.

Also:

On page 4, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "5".

Amendment adopted.

Also:

On page 4, Section 4, line 1, strike out the figure "4", and insert in lieu thereof the figure "6".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "owner", and insert in lieu thereof the following: "purchaser".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1102—An Act providing for the conveyance by quit-claim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the word "government", and insert in lieu thereof the following: "Governor".

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 1105—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, strike out the words "or tide lands".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 446—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 3, line 28, strike out the words: "general assembly"; in their place insert "thirty-ninth session of the California Legislature".

Amendment adopted.

Also:

On page 8, Section 5, paragraph 17, line 6, strike out that line.

Amendment adopted.

Also:

On page 9, Section 5, paragraph 26, line 1, strike out the word "information", and in its place insert the word "informally".

Amendment adopted.

Also:

On page 11, Section 10, line 15, after the period, insert sentence: "Vacancies in the Board of Commissioners shall be filled by the Board of Directors".

Amendment adopted.

Also:

On page 11, Section 10, line 19, add sentence: "Any vacancy in the Board of Directors shall be filled by the remaining members."

Amendment adopted.

Also:

On page 14, Section 16, line 37, insert a period after the word "conducted".

Amendment adopted.

Also:

On page 14, Section 16, line 38, begin the sentence with a capital letter "I".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

During second reading of the bill, the following amendments were submitted by committee:

Strike out Section 2, and insert in lieu thereof:

"Sec. 2. The California Association of Mechanotherapists shall certify to the Governor the names and addresses of ten (10) of its members, each of whom shall be a graduate of a legally authorized college of mechanotherapy and who has been a resident of the State of California and practiced mechanotherapy therein for not less than one (1) year. The Governor shall as soon as possible thereafter appoint five (5) from the number so certified to be known as the State Board of Mechanotherapeutic Examiners. Each member of said board shall serve thereon for a term of two (2) years, and until his successor is appointed, except in case of the first board, on which two (2) members shall serve for two (2) years, and three (3) for three (3) years, as specified in their appointment. All vacancies upon said board shall be filled by the Governor and the California Association of Mechanotherapists shall certify to him for the purpose of such appointment the names and addresses of three (3) of its members, qualified to act upon said board, for each vacancy then to be filled."

Amendment adopted.

Also:

Strike out period after the word "obstetrics" at close of Section 5, line 5 thereof, page 3, and insert the following: "nor to treat any acute, infectious, or contagious disease."

"It shall be unlawful for any practitioner of mechanotherapy to practice on or to treat any person unless such person has been first personally examined by a regularly licensed physician, authorized under the laws of the State of California to practice medicine therein, and then only if such examining physician has, in writing, diagnosed the ailment of such person as not coming within the restrictions in this Act specified."

Amendment adopted.

Also:

Insert after the word "board" in line 1, of Section 8, page 4, the following: "or by the State Board of Medical Examiners".

Amendment adopted.

Also:

Insert after the word "therapy", on line 3, of Section 9, page 4, the following: "is, for the purposes of this Act, defined to be the scientific, mechanical treatment of the body structure and".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District No. 832," and providing for the control and management thereof.

Bill read second time, ordered engrossed, and on file for third reading

Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District No. 833," and providing for the control and management thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 689 (Committee Substitute for)—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

During second reading of the bill, the following committee substitute was submitted by Committee on Education:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 689.

An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1729 of the Political Code of the State of California is hereby amended to read as follows:

1729. Two or more contiguous high school districts in the same or in adjoining counties may be united to form a single union or joint union high school district by proceedings taken as hereinafter provided. Whenever a petition signed by two thirds of the high school board of each of two or more contiguous high school districts, asking that said high school districts be united to form a single union or joint union high school district under a name to be stated in the petition, and stating the location of the high school agreed upon by said high school boards shall be presented to the superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school districts so petitioning, said superintendent of schools shall within twenty days, call an election for the determination of the question. Such election shall be held separately in each of the school districts composing said high school districts so petitioning, and shall be called and held as provided in section seventeen hundred twenty-seven, except that the ballots shall state the location of the high school as described in the petition to the superintendent of schools and shall contain the words "For the Union of High School Districts—Yes" and "For the Union of High School Districts—No." Said superintendent of schools shall canvass the returns and file his certificate of the result as directed by section seventeen hundred twenty-seven. If the majority of the votes cast at such election are in favor of the union of such high school districts, the high school districts so petitioning shall, from the time of filing such certificate, be united to form a single union or joint union high school district under the name stated in the petition. Thereupon the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one. If either of such high school districts so united has an outstanding bonded indebtedness, the new high school district shall be liable therefor.

Also a union high school district which lies contiguous to or adjoining a high school district of an incorporated city or town in any county, may be annexed to, consolidated and merged with said high school district of such incorporated city or town. Whenever a majority of the heads of families residing in any union high school district which lies contiguous to or adjoining a high school district in any incorporated city or town in the same county, shall present to the superintendent of schools of said county a petition asking for the annexation, consolidation and merger of such union high school district with such high school district of such incorporated city or town, and which petition is accompanied by an agreement signed by a majority of the members of the board of education or board of school trustees of such incorporated city or town and consenting and agreeing to such annexation, consolidation and merger, and setting forth the terms and conditions upon which such annexation, consolidation and merger shall be made, such superintendent of schools shall,

after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of said county with his recommendation thereon. Such board thereupon, in their discretion, may make an order annexing, consolidating and merging, for high school purposes such union high school district with such high school district of such incorporated city or town, and such merged, consolidated and combined district shall take the name and thereafter be known by and under the same name as the high school district of such incorporated city or town; *provided*, that all bonded indebtedness of either of said districts and all interest thereon shall be paid by the district which incurred the same as though such consolidation and merger had not occurred, then the consolidation and merger of such union high school district with the said high school district of such incorporated city or town upon the terms stated in such petition and agreement shall be complete and valid by virtue of the order of said board of supervisors duly entered in its minutes.

Such annexation, consolidation and merger may be made at any time irrespective of the provisions of Section 1577 of the Political Code of the State. After any such union high school district has been so annexed to, consolidated and merged with any such high school district of any incorporated city or town, such territory of said union high school district so merged and consolidated shall be deemed to be a part of said city or incorporated town for high school purposes and for all matters connected with the high school department thereof, and for the purpose of assessing, levying and collecting property taxes for the high school funds of such city or incorporated town and for the purposes specified in Sections 1880 and 1888, inclusive, of the Political Code.

Whenever a union high school district shall be annexed to consolidated and merged with a high school district of an incorporated city or town as hereinabove provided, the governing power and control of such union high school district shall thereafter be merged and vested in the board of education or board of school trustees of such incorporated city or town, and all funds belonging to said union high school district shall be transferred by requisition of the school superintendent of the said county, upon the county auditor to the credit of the proper funds of such incorporated city or town with which said union high school district has been merged, consolidated and annexed and thereafter said high school district of said incorporated city or town shall have the benefit of and shall be entitled to enforce and collect in its own name all obligations and contracts then existing in favor of such union high school district and shall also assume and be responsible for the payment or performance of all debts, obligations and contracts outstanding or existing against said union high school district, excepting only the bonded indebtedness then outstanding and existing against said union high school district, and shall thereafter govern and control all the property of said union high school district.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 440—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

During second reading of the bill, the following amendments were submitted by committee:

Amend Section 1, line 2, of the printed bill, by striking out the word "its", and insert in lieu thereof the word "their".

Amendment adopted.

Also:

In Section 1, line 4, of the printed bill, between the words "members" and "in", insert the following: "against loss or damage by fire".

Amendment adopted.

Also:

Amend Section 4, line 3, of the printed bill, by striking out the word "four", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

In Section 1, line 6, of the printed bill, strike out the following: "twenty thousand (\$20,000)", and insert in lieu thereof the following: "ten thousand (\$10,000)".

Amendment adopted.

Also:

In Section 4, line 10, of the printed bill, insert between the words "collected" and "amounting" a comma.

Amendment adopted.

Also:

In Section 5, line 1, of the printed bill, between the words "expense" and "of", insert the following: "including commissions and fees to agents and officers".

Amendment adopted.

Also:

Amend Section 5, line 22, of the printed bill, by striking out the word "provided", and all the remainder of the section.

Amendment adopted.

Also:

In Section 6, line 6, of the printed bill, after the word "reinsurance", strike out the comma, and insert in lieu thereof the following: "in companies having sufficient assets and surplus to entitle such companies to be permitted to do business in the State of California.".

Amendment adopted.

Also:

In Section 7, line 1, of the printed bill, strike out the word "such".

Amendment adopted.

Also:

In Section 8, line 18, of the printed bill, between the word "policyholders" and "to", insert the following: "for loss or damage by fire".

Amendment adopted.

Also:

In Section 8, line 19, of the printed bill, after the comma following the word "policies", insert the following: "and the power to issue policies with".

Amendment adopted.

Also:

In Section 10, line 3, of the printed bill, between the words "corporation" and "and", insert the following: "or association".

Amendment adopted.

Also:

In Section 10, lines 6 and 7, of the printed bill, strike out the words "and all assessments due, accrued or pending at the time of his withdrawal", and insert in lieu thereof the following: "and of all losses arising out of fires occurring theretofore and all losses occurring within thirty days after the service of such notice and all assessments levied in whole or in part to meet such losses, and all assessments due, accrued or pending at the time of the cancellation of his policy".

Amendment adopted.

Also:

In Section 11, line 5, of the printed bill, strike out the period following the word "reserve", and insert in lieu thereof the following: "and shall thereafter retain not less than five per cent per annum of all profits available for dividends until the sum of two hundred thousand dollars (\$200,000.00) net cash surplus has been accumulated".

Amendment adopted.

Also:

Amend Section 11, line 8, of the printed bill, by striking out the words "return deposits", and all of lines 9 and 10.

Amendment adopted.

Also:

In Section 13, lines 6 and 7, of the printed bill, strike out the words "and all other liabilities".

Amendment adopted.

Also:

In Section 14, line 2, of the printed bill, strike out the figure "4", and insert the word "four".

Amendment adopted.

Also:

In Section 14, line 10, of the printed bill, between the words "and" and "in", insert the following: "and all other laws of the State relating to fire insurance, in so far as any section or law herein referred to is not inconsistent with or in conflict with the provisions of this Act,".

Amendment adopted.

Also:

In Section 14, lines 10 and 11, of the printed bill, strike out the following: "in so far as applicable".

Amendment adopted.

Also:

In Section 14, lines 12, 13, and 14, of the printed bill, strike out the following: "and such corporations or associations are exempt from all other insurance laws of the State,".

Amendment adopted.

Also:

Amend Section 15, of the printed bill, by striking out the entire section and insert in lieu thereof the following:

"SEC. 15. This Act shall not apply to contracts made between persons, firms and corporations, of this State, and others of this State and other states for the protection of their own property under the plan known as reciprocal or inter-insurance, nor to unincorporated inter-indemnity compacts."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

• CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Assembly Bill No. 121 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

Strike out all of Sections 2, 3 and 5, of the printed bill.

Also: In line 1, of Section 4, of the printed bill, strike out the figure "4", and insert in lieu thereof the following: "2".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 121, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and on file for third reading.

TIME OF RECESS EXTENDED.

At one o'clock and fifteen minutes P. M., on motion of Senator Campbell, the hour of recess was extended ten minutes.

MESSAGES FROM THE ASSEMBLY (OUT OF ORDER).

On motion of Senator Thompson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Also: Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and to provide a penalty for the crime of assault with intent to commit murder.

Also: Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine *a*, relating to the issuance of preferred stock by corporations.

Also: Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

Also: Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Also: Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Also: Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Also: Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred fifty-three *c*, relating to wages of employees.

Also: Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Also: Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874b, relating to the publishing, printing and distribution of school text-books.

Also: Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Also: Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Also: Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Also: Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of superior court on appeal.

Also: Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the superior court.

Also: Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims.

Also: Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Also: Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Also: Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Also: Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Also: Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Also: Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the board of health of the city and county of San Francisco," approved March 31, 1891.

Also: Assembly Bill No. 1310—An Act to amend Sections 2521, 2522 and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties.

Also: Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Also: Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to superior courts.

Also: Assembly Bill No. 1458—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Also: Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be numbered and known as Section 405a, relating to agents of foreign corporations.

Also: Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Also: Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section relating to the duties of teachers in schools where no examining staff is employed.

Also: Assembly Bill No. 1098—An Act defining and relating to wage-brokers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Also: Assembly Bill No. 1073—An Act to amend Section 1 of an Act entitled "An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor," approved March 21, 1907.

Also: Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Also: Assembly Bill No. 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education.

Also: Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 of Article I thereof.

Also: Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Also: Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Also: Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Also: Assembly Bill No. 1053—An Act to amend Section 1426a of the Civil Code, relating to fees of county recorders.

Also: Assembly Bill No. 107—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Also: Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-two of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Also: Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville County road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor.

Also: Assembly Bill No. 544—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Also: Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Also: Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Also: Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Also: Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Also: Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Also: Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Also: Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Also: Assembly Bill No. 1537—An Act to amend Section 4022a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half-orphans.

Also: Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Also: Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909.

Also: Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 197, 384, 817, 1180, 1345, 1383, 1386, 1395, 1471, 1491, 1541, 1545, 1552, 1321, 1322, 1323, 1327, 1343, 1349, 1392, 1150, 1200, 1295, 1309, 1310, 1319, 1320, 1058, 1059, 1086, 1095, 1098, 1073, 791, 858, 884, 915, 927, 1051, 1053, 167, 186, 490, 519, 544, 641, 779, 1440, 1439, 1441, 1442, 1443, 1495, 1537, 1445, 1385, and Committee Substitute for Assembly Bill 1199 read first time.

Assembly Bills Nos. 197, 384, 1386, 1471, 1321, 1322, 1323, 1327, 1343, 1349, 1309, 1319, 1320, 1059, 1098, 791, 915, 186, 1439, 1440, 1441, 1442, 1443, 1495, and 1445 ordered referred to Committee on Judiciary.

Assembly Bill No. 817 ordered referred to Committee on Corporations.

Assembly Bills Nos. 1180, 1545, 1295, 1051, 1053, and 1537 ordered referred to Committee on County Government.

Assembly Bills Nos. 1345, 1392, 1058, 167, 544, 641, and 779 ordered referred to Committee on Finance.

Assembly Bills Nos. 1383 and 490 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1395 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bills Nos. 1491, 1552, 1086, 1095, and 858 ordered referred to Committee on Education.

Assembly Bill No. 1541 ordered referred to Committee on Military Affairs.

Assembly Bill No. 1150 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 1200 and 1310 ordered referred to Committee on Commerce and Navigation.

Assembly Bill No. 1073 ordered referred to Committee on Fish and Game.

Assembly Bill No. 884 ordered referred to Committee on Banking.

Assembly Bill No. 519 and Committee Substitute for Assembly Bill No. 1199 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 1385 ordered referred to Committee on Elections and Election Laws.

MOTION.

Senator Hurd announced that Assembly Bill No. 927 is identical with Committee Substitute for Senate Bill No. 689, and moved that Assembly Bill No. 927 and Committee Substitute for Senate Bill No. 689 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 927 and Committee Substitute for Senate Bill No. 689 ordered referred to Committee on Engrossment and Enrollment.

MESSAGES FROM ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 696. An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 696 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT. Your Committee on County Government to whom was referred Senate Bill No. 948—An Act to amend Section 1247 of the Political Code of the

State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

Also: Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 948 and 757 ordered on file for second reading.

ADJOURNMENT.

At one o'clock and twenty-five minutes P. M., on motion of Senator Bell, the President pro tem., declared the Senate adjourned until Monday, March 13, 1911, at eleven o'clock A. M.

IN SENATE

SENATE CHAMBER.

Monday, March 13, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Batis, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cullen, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Rev. Father John H. Ellis, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 11, 1911, the further reading was dispensed with, on motion of Senator Thompson.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Le Roy Smith, of San Luis Obispo.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will—was passed, the same was taken up for reconsideration.

SPECIAL ORDER SET.

Senator Holohan moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1171 was passed be made a special order for Monday, March 13, 1911, at twelve o'clock M.
 Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Roseberry to reconsider the vote whereby Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—was passed, the same was taken up for consideration.

Senator Roseberry moved that the vote whereby Senate Bill No. 691 was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider Senate Bill No. 691 carried by the following vote:

AYES. Senators Avey, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolf, and Wright 29.

NOES. None.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—be made a special order for Wednesday, March 15, 1911, immediately after the reading of Journal.
 Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 13 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Assembly Bill No. 377—An Act to amend Sections 626, 626a, 626d, 626f, 626g, and 626m of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Also: Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anophelis and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Also: Assembly Bill No. 737—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also: Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March twenty-third, 1907.

Also: Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Also: Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities, withdrawing state lands within the meander lines thereof from sale, prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Also: Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Also: Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also: Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 6287, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession.

Also: Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Also: Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

L. B. MAILLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Assembly Bill No. 377, Assembly Bills Nos. 714, 737, 846, 988, 1286, 1284, 1365, 1475, 1476, 1492, 1540, and 1559 read first time.

Committee Substitute for Assembly Bill No. 377 and Assembly Bill No. 1492 ordered referred to Committee on Fish and Game.

Assembly Bill No. 714 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 846 and 1286 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 988 and 1540 ordered referred to Committee on Finance.

Assembly Bills Nos. 1284 and 1559 ordered referred to Committee on County Government.

Assembly Bill No. 1365 ordered referred to Committee on Irrigation.

Assembly Bills Nos. 1475 and 1476 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

MOTION.

Senator Wolfe announced that Assembly Bill No. 737 is identical with Senate Bill No. 381, and moved that Assembly Bill No. 737 and Senate Bill No. 381 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 737 and Senate Bill No. 381 ordered referred to Committee on Engrossment and Enrollment.

MESSAGES FROM ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Also: Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Also: Senate Bill No. 407—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000, and making an appropriation for such work.

Also: Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Also: Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Also: Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 337, 338, 407, 478, 878, and 984 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate bill No. 190—An Act to amend Section 10 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof.

Also: Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also: Senate Bill No. 497—An Act to amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five and sixty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes, approved March 31, 1897," and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Also: Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 190?"

Strike out all in the title, and insert the following
 "An Act to amend Section 10 of an Act entitled 'An Act to authorize the incorporation of rural cemetery associations,' approved April 18, 1859, and all Acts amendatory thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 10 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof, is hereby amended so as to read as follows:

Section 10. The cemetery lands and property of any associations, formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots, or plots, in such cemeteries, their heirs, or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery.

SEC. 2. This Act shall take effect immediately."

On motion of Senator Bell, consideration of the above Assembly amendment to Senate Bill No. 190 was temporarily passed, in the absence of Senator Cassidy.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 494?"

"On page 2, of the printed bill, strike out all of line 34, down to and including line 40."

On motion of Senator Bell, the consideration of the above Assembly amendment to Senate Bill No. 494 was temporarily passed, in the absence of Senator Boynton.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 497?"

On page 1, first line of the title, strike out the words "An Act", and the quotation marks immediately preceding the word "to", and insert in lieu thereof the following: "sections fifteen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five and sixty-one of an Act entitled "An Act".

Also On page 1, strike out of the fifth and sixth lines, of the title, the words "by amending section thirty-nine of said Act relating to the collection of taxes."

Also Immediately after the enacting clause, and before Section 1, insert the following

SECTION 1. Section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Section 15. The board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. But no purchase or lease of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other property of any nature or kind, for any price, aggregate rental or consideration, in excess of ten thousand dollars, shall be final or binding on the district; nor shall the purchase price, rental or consideration, or any part thereof, be paid or rendered until a petition of a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said land, according to the last equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering lands of such district, shall have been filed with the board and an order of the board made thereon confirming such purchase. Said board may also construct the necessary dams, reservoirs, and works

for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The said board is hereby authorized and empowered to make conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this Act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. It shall be the duty of said board to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act.

SEC. 2. Section thirty of said Act is hereby amended to read as follows:

Section 30. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this Act, the board of directors of any such district, must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board when petitioned by a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said lands according to the equalized assessment roll of the district if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering the lands of such district, shall immediately call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes", or "Bonds—No", or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No", the result of such election shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

SEC. 3. Section thirty-two of said Act is hereby amended to read as follows:

Section 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided, however*, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

SEC. 4. Section thirty-four of said Act is hereby amended to read as follows:

Section 34. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessment therefor; *provided, however*, that such levy of assessments shall not be made except first an esti-

mate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record."

Also: On page 1, strike out all of line 1, of Section 1, and insert in lieu thereof the following: "SEC. 5. Section thirty-nine of said Act".

Also: On page 1, Section 1 (changed to Sec. 5), line 3, insert immediately after the word "shall", the word "then".

Also: On page 1, Section 1 (changed to Sec. 5), line 5, strike out the word "bonds", and insert in lieu thereof the word "bond".

Also: On page 1, Section 1 (changed to Sec. 5), immediately after the semicolon at the end of the line, insert the following: "also, sufficient to pay in full all sums due, or that shall become due from the district, before the time for levying the next annual assessment on account of rentals or charges for lands, waters or water rights acquired by said district under lease or contract".

Also: On page 2, Section 1 (changed to Sec. 5), line 33, immediately after the word "district", insert the following: ", subject to assessment for the purposes of the district."

Also: On page 3, Section 2, line 1, strike out the figure "2", and insert in lieu thereof the figure "6".

Also: On page 3, after Section 2 (changed to Sec. 6), insert the following:

"SEC. 7. Section fifty-five of said Act is hereby amended to read as follows:

Section 55. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund, *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair, and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, and installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, and collect the same from all persons using said canal for irrigation and other purposes.

SEC. 8. Section sixty-one of said Act is hereby amended to read as follows:

Section 61. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this Act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum; *provided, however*, that nothing in this section contained shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights, or other property, as in this Act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract."

Also: On page 1, amend lines 2, 3, and 4, of title, to read as follows: "To amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five, and sixty-one of an Act entitled "An Act to provide for the organization and government,"

Also: On page 1, amend line 8, of title, by adding the final quotation marks after the word "purposes".

Also: On page 1, line 9, of the title, preceding the word "and" at the beginning of the line, add the following: "Approved March 31, 1897".

Also: On page 1, Section 1, line 1, strike out the word "fifteen", and insert in lieu thereof the word "one".

Also: On page 1, Section 1 (changed to Section 1), after line 7, insert the following:

"Section 1. A majority in number of the holders of title or evidence of title, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this State, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title and of possessory rights, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this Act. Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the purposes of this Act.

SEC. 2. Section two of the above entitled Act is hereby amended to read as follows:

Section 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, including such aforesaid possessory rights, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth generally the boundaries of the proposed district, and also shall state generally the source or sources (which may be in the alternative) from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this Act. The petition may consist of any number of separate instruments and must be accompanied with a good and sufficient undertaking to be approved by said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented, and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. When such petition is presented, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed; nor shall any lands which will not, in the judgment of said board, be benefited by irrigation, by means of any of said systems of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from any of the proposed sources, may, upon his application, in the discretion of said board, have such lands included within said proposed district."

Also: At top of page 2, immediately preceding Section 15, add the following: "Sec. 3. Section fifteen of said Act is hereby amended to read as follows:—"

Also: On page 2, Section 1 (changed to Section 3), line 8, after the word "board", add the words "of directors".

Also: On page 2, Section 1 (changed to Section 3), line 25, strike out the "period" following the word "appurtenances", and insert in lieu thereof a comma, and immediately following the comma insert the following: "and also where necessary or convenient to said ends to acquire and hold the stock of other corporations owning waters, canals, water works, franchises, concessions or rights".

Also: On page 2, Section 1 (changed to Section 3), line 27, after the comma following the word "kind", insert the following words: "or stock in any other corporation".

Also: On page 2, Section 1 (changed to Section 3), line 32, after the comma following the words "Evidence of title", insert the following words: "and of possessory rights as aforesaid".

Also: On page 2, Section 1 (changed to Section 3), line 33, after the comma following the words "Evidence of title", insert the following words: "and of possessory rights".

Also: On page 2, Section 1 (changed to Section 3), line 43, after the words "for irrigation", insert the following words: "and domestic".

Also, On page 3, following Section 1 (changed to Section 3), line 61, insert the following:

"Sec. 4. Section fifteen and one half of said Act is hereby amended to read as follows:

Section 15½. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district, *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in the State, shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any parts thereof, whenever such leasing may be for the benefit of the district, *provided*, that when the directors of any irrigation district contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made; *and, further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessee.

Sec. 5. Section seventeen of said Act is hereby amended to read as follows:

Section 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, or the Act of which this is supplementary or amendatory, and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this Act is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law."

Also, On page 3, Section 2, line 1, strike out the figure "2", and insert in lieu thereof the figure "6".

Also: On page 3, Section 2 (changed to Section 6), line 8, strike out the comma following the word "district".

Also: On page 3, Section 2 (changed to Section 6), line 15, after the comma following the words "evidence of title", add the words "and of possessory rights".

Also: On page 3, Section 2 (changed to Section 6), line 17, before the word "representing", insert the words "and of such possessory rights".

Also, On page 4, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "7".

Also: On page 5, Section 4, line 1, strike out the figure "4", and insert in lieu thereof the figure "8".

Also: On page 6, Section 5, line 1, strike out the figure "5", and insert in lieu thereof the figure "9". On same page, section and line, strike out parentheses.

Also: On page 6, Section 5 (changed to Section 9), line 3, add "Section" before the numerals "39".

Also: On page 6, Section 5 (changed to Section 9), line 3, add the word "then" after the word "shall".

Also: On page 7, Section 5 (changed to Section 9), after the last line (50), add the following:

"All the powers and duties respecting the collection of taxes on all assessments of possession of, claim to, or right to the possession of land that are now provided in Sections 3820, 3821, 3822, 3823, 3824, 3825, and 3829 of the Political Code as regards county assessors shall apply so far as applicable to irrigation district assessors".

Also: On page 8, Section 6, line 1, strike out figure "6", and insert in lieu thereof the figures "10".

Also: On page 8, Section 7, line 1, strike out figure "7", and insert in lieu thereof the figures "11".

Also: On page 9, Section 7 (changed to Section 11), line 23, after the comma following the word "charges", add the following: "for irrigation and other public uses declared by this Act."

Also: On page 9, Section 8, line 1, strike out the figure "8", and insert in lieu thereof the figures "12".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 497 by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 497 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 501?"

On page 1, of the printed bill, in line 6, strike out the word "when", and insert the word "until".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 501 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 501 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 674?"

On page 1, Section 1, line 12, of the printed bill, after the word "payable", insert the words "by him".

Also: Add to Section 1, page 1, immediately after the period in line 14, the following: "Moneys payable into the county treasury, as the term is used in this section, shall include moneys belonging to estates of deceased persons and required by law to be paid to the county treasurer, taxes on inheritances and transfers, all moneys deposited by order of court, and all other moneys deposited with such treasurer by virtue of any official authority whatever."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 674 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 674 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Roseberry:

Resolved, That S. Doan, stenographer of the Senate, he and she is hereby stricken from the list of attachés of the Senate and her name be dropped from the pay roll of said Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Curtin, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California.

by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents and report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 32 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Also: Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1026 and 1247 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897; as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Also: Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District No. 833", and providing for the control and management thereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1001, 1184, and 1255 ordered on file for third reading:

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Also: Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code relating to register of persons and firms to be kept by the county clerk.

Also: Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891; also repealing "An Act to amend an Act entitled an Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

Also: Senate Bill No. 540—An Act to amend the Code of Civil Procedure, by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of more than 250,000 and less than 400,000.

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Also: Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 11th day of March, 1911, at two o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Also: Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1046 and 1085 ordered on file for third reading

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on Rules.

CURTIN, Vice-Chairman.

Senate Bill No. 1172 ordered re-referred to Committee on Rules.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

CURTIN, Vice-Chairman.

Assembly Constitutional Amendment No. 48 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200, and 1203a of said code, all relating to the liens of mechanics and others.

Also: Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

Also: Senate Bill No. 949—An Act to amend Section 870 of the Civil Code, relating to sales, conveyances and mortgages of real estate by trustees.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

CURTIN, Vice-Chairman.

Assembly Bill No. 278 ordered on file for second reading.

Senate Bills Nos. 1179 and 949 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California creating a railroad commission and defining its powers and duties—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

CURTIN, Vice-Chairman

Assembly Constitutional Amendment No. 6 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living—have had the same under consideration, and respectfully report the same back and recommend it be re-referred to the Committee on Judiciary.

WALKER, Chairman.

Senate Bill No. 1064 ordered re-referred to Committee on Judiciary.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

HURD, Chairman.

Assembly Bill No. 1150 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319i of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Finance.

BILLS, Chairman.

Assembly Bill No. 1152 ordered re-referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REGAN, Chairman.

Assembly Bill No. 667 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 160—An Act entitled An Act to amend Sections 1918 and 1920 of the Civil Code, and to add new sections thereto to be numbered Sections 1918½, 1921

and 1922, relating to "loan of money" and providing for rate of interest thereon—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

TYRRELL, Chairman.

Assembly Bill No. 160 ordered re-referred to Committee on Judiciary.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEBAN, Chairman.

Assembly Bill No. 1541 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom were referred the following:

Senate Bill No. 1278, by Senator Avey, entitled "An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class."

Senate Bill No. 1279, by Senator Cullen, entitled "An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class."

Senate Concurrent Resolution No. 18, by Senator Gates, entitled "Senate Concurrent Resolution No. 18, inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California."

Senate Concurrent Resolution No. 19, by Senator Hewitt, entitled "Approving fourteen certain amendments to the charter of the city of Los Angeles."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and the authors be permitted to introduce said bills and concurrent resolutions.

THOMPSON, Acting Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Black:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce said bills and Senate concurrent resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER

The following bills, etc., were introduced:

By Senator Avey: Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Bill read first time and referred to Committee on County Government.

By Senator Cullen: Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California relating to salaries of officers of counties of the thirty-seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Gates: Senate Concurrent Resolution No. 18—Inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California.

SUSPENSION OF RULES

Senator Gates asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 18 placed on file without reference to committee.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Gates asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18 for consideration, out of order.

SENATE CONCURRENT RESOLUTION NO. 18

Inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California.

WHEREAS, The Grand Army of the Republic, representing and composed of the survivors of the great army of the Union which fought the battles for the integrity of the republic from 1861 to 1865, has, during its forty-five years of existence, held its annual encampments but twice on the Pacific coast, viz: San Francisco in 1886, and again in San Francisco in 1903, and

WHEREAS, The people of the State of California are desirous of again seeing this gallant body of men, ones the flower of the youth and manly strength of the country, now well advanced in years, as the guests of the State of California, that its people may be enabled to extend to them the hospitality of highly honored guests, and that the children of the State may have the opportunity of seeing those who have been spared of that grand army, thereby inciting them to an increased reverence to the principles of patriotism which a passing through our streets under the tattered battle-flags of a half century ago can not fail to inspire; and

WHEREAS, An invitation was extended by the Governor and the State Legislature to the National Encampment of the Grand Army of the Republic to hold its session in Los Angeles in 1911, but in the wisdom of the National Encampment it was found impossible to accept this invitation for that year; and

WHEREAS, The three Grand Army posts of Los Angeles—Bartlett-Logan No. 6, Stanton No. 55, and Kenesaw No. 106, and the Department of California and Nevada, G. A. R., through its council of administration, have renewed their invitation to the Grand Army to hold its forty-sixth National Encampment in Los Angeles in 1912; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereon concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the forty-sixth National Encampment of the Grand Army of the Republic be, and is hereby, invited to hold its annual encampment in the year 1912 in the city of Los Angeles, State of California.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Senate Concurrent Resolution No. 18 considered engrossed, and ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Hewitt: Senate Concurrent Resolution No. 19—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

Senate concurrent resolution referred to Committee on Municipal Corporations.

MOTION.

Senator Stetson moved that Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses—be recalled from the file, and be re-referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 278 recalled from the file, and ordered re-referred to the Committee on Judiciary.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 53 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies.

The following amendments were submitted by committee:

In line 2, of the title, after the word "to", insert the following: "Sections twenty and twenty-one of article twelve of".

Amendment adopted.

Also:

In lines 2, 3, and 4, of the title, strike out the words "said State by amending sections twenty and twenty-one of article twelve thereof", and insert in lieu thereof the following: "the State of California".

Amendment adopted.

Also:

In line 4, of the title, strike out the word "railroad", and insert in lieu thereof the following: "railroads".

Amendment adopted.

Also:

On page 1, lines 2 and 3, strike out the following: "A. D. nineteen", and insert in lieu thereof the following: "one thousand nine".

Amendment adopted.

Also:

On page 1, line 4, after the word "the", insert the following "two"

Amendment adopted.

Also:

On page 1, line 4, after the word "houses", insert the following: "of said Legislature."

Amendment adopted.

Also:

On page 1, line 4, strike out the word "propose" and insert in lieu thereof the following: "proposes".

Amendment adopted.

Also:

On page 1, line 5, strike out the word "amendments", and insert in lieu thereof the following "amendment".

Amendment adopted.

Also:

On page 1, lines 7 and 8, strike out the following "of the Constitution of the State of California".

Amendment adopted.

Also:

On page 2, insert between lines 18 and 19, the following:
"Second. Section twenty one of article twelve is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 2, line 19, strike out the word "Second".

Amendment adopted.

Also:

On page 2, line 42, after the word "ordering", insert the following "and compelling".

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file

CONSIDERATION OF CONSTITUTIONAL AMENDMENT — OUT OF ORDER.

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 12 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 12— A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to amend section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

The following amendment was submitted by committee:

On page 1, in line 2, of the title, after the word "to" and commencing with the word "the", strike out all of the constitutional amendment to and including the

period at the end of line 156, on page 5, of the printed constitutional amendment, and insert in lieu thereof the following: "Section twenty-two of article twelve of the Constitution of the State of California creating a railroad commission and defining its powers and duties.

The Legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-two of article twelve of the Constitution of the State of California be amended so as to read as follows:

Section 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided*, further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salary of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Railroad Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Railroad Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said Act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution.

and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said Act shall be held and construed to be the three persons named provided for herein."

Amendment adopted.

Senate constitutional amendment read, ordered to print, and in file.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—OUT OF ORDER

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 47 for consideration out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two (22a), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The following amendment was submitted by committee:

Amend by striking out of the printed constitutional amendment, commencing at the word "Article," in the second line of the title on page 1, and inserting the period at the end of line 37, page 2, and inserting in its stead the following:

"Section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The Legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two-thirds of all the members elected to each of the two houses of said Legislature voting by yeas and nays, hereby proposes to the people of the State of California that section twenty-three of article twelve of the Constitution of the State of California be amended so as to read as follows:

Sec. 23. Every private corporation and every individual or association of individuals, owning, operating, managing or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, pump, or equipment, or any part of such railroad, canal, pipe line, pump or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, or for directly or indirectly, to or for the public, and every individual or person, is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation.

The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities, as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution.

From and after the passing by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; *provided, however*, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated town as, at an election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the electors of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; *and provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may,

by vote of a majority of its electors, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature; or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power.

Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith."

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Campbell, the hour of recess was extended for twenty minutes.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Roseberry to reconsider the vote whereby Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will—was passed, the same was taken up for consideration.

Senator Holohan moved that the vote whereby Senate Bill No. 1171 was passed be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider Senate Bill No. 1171 carried by the following vote:

AYES—Senators Beban, Black, Boynton, Bryant, Burnett, Campbell, Cutten, Finn, Hare, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wolfe—23.

NOES—Senators Avey, Bell, Caminetti, Curtin, Gates, Juilliard, Lewis, Martinelli, Tyrrell, Welch, and Wright—12.

Senate Bill No. 1171—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1171 refused passage by the following vote:

AYES—Senators Avey, Bell, Caminetti, Cassidy, Curtin, Finn, Gates, Lewis, Martinelli, Tyrrell, Welch, and Wright—12.

NOES—Senators Bills, Black, Boynton, Bryant, Burnett, Campbell, Cutten, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, and Wolfe—23.

RECESS.

At twelve o'clock and fifty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SUSPENSION OF RULE.

Senator Strobbridge moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

PETITION.

Senator Gates presented the following telegram, which was read, and ordered printed in the Journal.

PASADENA, CALIFORNIA, March 13, 1911.

Hon. Lee C. Gates, Senate Chamber, Sacramento, California:

Please withdraw Throop proposition absolutely; the Senate has spoken once, and we are unwilling to seek to force our gift upon the State, or to invite a prolongation of the kind of warfare that defeated the bill last Friday; feel at liberty to read this before Senate and to publish.

JAMES A. B. SCHERER.

QUESTION OF PERSONAL PRIVILEGE.

Senator Gates arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: In presenting this telegram requesting the withdrawal of Senate Bill No. 921, I desire to state that such withdrawal of this bill is not to be regarded as an admission that any impediment, either constitutional or legal, exists to the establishment of the institute sought by us to supplement the educational needs of the State, and that time will vindicate our request and rebuke its defeat.

PRESENTATION OF BILL, ETC.

Senator Roseberry offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

THIRD READING OF ASSEMBLY BILLS, ETC.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

On motion of Senator Sanford, Assembly Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

On motion of Senator Walker, Assembly Bill No. 405 was temporarily passed on file, to retain its place.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

On motion of Senator Shanahan, Assembly Bill No. 643 was temporarily passed on file, to retain its place.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Assembly Bill No. 1106 be made a special order for Tuesday, March 14, 1911, immediately after the special orders heretofore set.

Motion carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 88 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Finn, Gates, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 121 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 85 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Gates, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Gates, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shattahan, Strobridge, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Assembly Bill No. 234 was temporarily passed on file, in the absence of Senator Juilliard, to retain its place.

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

Assembly Bill No. 581 was temporarily passed on file, in the absence of Senator Juilliard, to retain its place.

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home in California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Gates, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Read third time.

On motion of Senator Birdsall, Assembly Bill No. 28 was temporarily passed on file, to retain its place.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 510 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Cutton, Finn, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

On motion of Senator Walker, Assembly Constitutional Amendment No. 26 was passed, to be placed at the foot of the file.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Assembly Bill No. 365 was temporarily passed on file, in the absence of Senator Hewitt, to retain its place.

Assembly Bill No. 198 (Committee Substitute for)—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

On motion of Senator Regan, Committee Substitute for Assembly Bill No. 198 was temporarily passed on file, to retain its place.

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 857 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Cutton, Finn, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Read third time.

On motion of Senator Curtin, Assembly Bill No. 798 was temporarily passed on file, to retain its place.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

On motion of Senator Wolfe, Assembly Bill No. 1080 was temporarily passed on file, to retain its place.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 finally passed by the following vote:

AYES—Senators Avey, Roban, Bills, Black, Roynston, Bryant, Burnett, Casmotto, Campbell, Cassidy, Curtin, Cullen, Gates, Hoodhan, Hurd, Larkins, Lewis, Martindale, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Weller, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 79—An Act to amend Section 4309a of the Political Code of the State of California, relating to the county clerk's fees; and report that the same has been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1911, at eleven o'clock and thirty minutes A. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also, Senate Bill No. 381—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report that Assembly Bill No. 737 is identical with Senate Bill No. 381.

CASSIDY, Chairman.

Assembly Bill No. 737 ordered on file for second reading, without reference to committee.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1251—An Act to amend an Act entitled "An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor," approved March 3, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HURD, Chairman.

Senate Bill No. 1251 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 209 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 226 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 891 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Finn, Gates, Hare, Larkins, Lewis, Regan, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1143 finally passed by the following vote:

AYES. Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Holahan, Hurd, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 finally passed by the following vote:

AYES. Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Holahan, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 615 finally passed by the following vote:

AYES. Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Cutton, Estudillo, Finn, Hare, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 616 finally passed by the following vote:

AYES. Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1068 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutton, Estudillo, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 812.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1384 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

On motion of Senator Curtin, Assembly Bill No. 241 was passed, to be placed at the foot of the file.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

On motion of Senator Campbell, Assembly Bill No. 1094 was temporarily passed on file, to retain its place.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and

relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Bryant, Burnett, Caminetti, Campbell, Curtin, Gates, Hare, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto, to be numbered 26.

On motion of Senator Boynton, Assembly Bill No. 1089 was temporarily passed on file, to retain its place.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1526 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Bryant, Burnett, Campbell, Cassidy, Curtin, Gates, Hewitt, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Cotten, Gates, Hare, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By adding to Section 1, line 7, of the printed bill, after the "period", the following: "The signature of each person named in said articles of incorporation as directors of such corporation shall be affixed to said articles of incorporation and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 798, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bill No. 1207 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Martinelli, as a special committee of one, to amend as follows:

On page 5, after line 151, of the printed bill, add a new Section No. 17 to read as follows:

"17. This Act shall take effect immediately and shall apply to present incumbents."

Also: On page 4, line 93, of the printed bill, strike out the words "six hundred dollars per annum", and insert instead thereof at the same place the following:

"The sum of one hundred dollars for each regular meeting only of said board actually attended by him, and in case of his failure to attend any such meeting he shall

receive no compensation for such meeting, *provided*, that he shall not receive compensation for more than one regular meeting during the same calendar month except the meeting at which the tax rate is fixed."

Also: On page 3, line 57, of the printed bill, strike out the word "seven", and insert instead thereof at the same place the word "five."

Also: In line 58, on the same page, after the comma after the word "annum", insert the following: "and he shall also receive the sum of twenty-five dollars for each preliminary examination conducted by him or his deputy, on any vessel moored, and the sum of fifty dollars for every felony case prosecuted by him or his deputy in the superior court, and the sum of twenty dollars for every misdemeanor case actually tried by him or his deputy in any justice or recorder's court outside of the township of the county seat."

Also: On page 2, line 23, of the printed bill, strike out the word "four", and insert instead thereof at the same place the word "three", and after the word "thousand" on said line 23, insert the words "nine hundred".

Also: On page 2, line 43, of the printed bill, after the word "process", and before the semicolon, add the following words: "in civil actions and proceedings"; and on said line 43, of the printed bill, after the word "process", strike out the semicolon and the words "provided that".

Also: Strike out all of lines 44 and 44a.

Also: Strike out the words "more than ten miles" in line 45, of said page.

Also: On page 3, line 54, of the printed bill, strike out the word "five" where it occurs the second time, and in the following line strike out the word "hundred", and after the period after the word "annum", in said line 55, add the following: "He shall also receive twenty per cent of all licenses collected by him."

Also: On page 3, line 53, of the printed bill, after the period, after the word "annum", on said line 53, add the following:

"He shall also receive six per cent of all money collected from the State on account of orphans, half orphans and abandoned children, in order to cover the expenses incurred by him in securing the necessary data for the performance of his duties under Section 4099a of the Political Code."

Also: On page 2, lines 48-50, of the printed bill, strike out the words "two thousand one hundred dollars per", and in line 51, of said page, strike out the word "annum", and the period following the same.

Also: In lines 48-50, on page 2, of the printed bill, after the comma, after the word "recorder", add the following: "Seventy per cent of all fees collected by him as recorder. He shall pay the remaining thirty per cent of such fees into the county treasury."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1207, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Chairman.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for third reading.

CONSIDERATION OF BILL.— (OUT OF ORDER).

Senator Juilliard asked for, and was granted, unanimous consent to take up Assembly Bill No. 234 for consideration, out of order.

Assembly Bill No. 234—An Act authorizing and directing the re-flooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 finally passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Gates, Hewitt, Holahan, Juilliard, Larkins, Lewis, Martinelli, Regan, Rosser, Ry, Rush, Sanford, Shaughan, Stetson, Strobridge, Thompson, Tyrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Juilliard asked for, and was granted, unanimous consent to take up Assembly Bill No. 581 for consideration, out of order.

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Tyrrell:

WHEREAS, The Charter Day exercises of the University of California are to be held on Thursday, March 23d, in the Greek Theatre at Berkeley; and

WHEREAS, That distinguished citizen of the United States, Honorable Theodore Roosevelt, is to attend and deliver the Charter Day address, and

WHEREAS, It is extremely doubtful whether this Legislature will continue in session until such a time as Honorable Theodore Roosevelt might be able to reach Sacramento in time to address the Legislature; therefore, be it

Resolved, That the President of the Senate be and he is hereby requested to appoint a committee of five Senators to attend said Charter Day exercises in honor of ex-President Roosevelt, and they are hereby requested, in conjunction with any similar committee which may be appointed by the Assembly, to invite him to address the Legislature of the State of California if said Legislature is in session at such time as he may be able to visit Sacramento; and be it further

Resolved, That the Senators so appointed in accordance with this resolution be and they are hereby excused from the session of the Senate on Thursday, March 23d.

Resolution read, and ordered printed in Journal.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Assembly Bill No. 507 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Walker, as a special committee of one, to amend as follows:

Add a new section thereto to be known as Section 3, and to read as follows:

"Sec. 3. This Act shall take effect and be in force from and after its passage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 507, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

PRESENTATION OF BILLS.

Senator Boynton offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

Senator Shanahan offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

Senator Stetson offered, and sent to the desk for introduction, a bill.

Bill ordered referred to Committee on Introduction of Bills.

RESOLUTION—OUT OF ORDER.

The following resolution was introduced:

By Senator Roseberry:

Resolved, That the name of F. C. Kirtlan, page to the President of the Senate, at \$2.50 per day, be dropped from the list of attachés and stricken from the pay roll of the Senate, and that the name of J. E. Corbin be substituted therefor as page to the President, at \$2.50 per day, beginning to-day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 446—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also: Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District Number 832," and providing for the control and management thereof.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 446 and 1254 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of motion to reconsider the vote whereby Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor—was refused passage.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 921 was refused passage, carried by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bennett, Caminetti, Campbell, Curtin, Escondido, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

WITHDRAWAL OF BILL.

Senator Gates asked for, and was granted, unanimous consent to withdraw Senate Bill No. 921—An Act to establish an institute of technology to be called the California Institute of Technology, and making an appropriation therefor.

Senate Bill No. 921 withdrawn, and ordered stricken from the file.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, MARCH 13, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1280, by Senator Boynton, entitled "An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants."

Senate Bill No. 1281, by Senator Roseberry, entitled "An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs."

Senate Bill No. 1282, by Senator Curtin, entitled "An Act making an appropriation for stationery, fuel, lights, and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years."

Senate Bill No. 1283, by Senator Shanahan, entitled "An Act to amend Section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class."

Have had all of the foregoing under consideration, and respectfully recommend that Section 2, of Article IV, of the Constitution be suspended and the authors be permitted to introduce said bills.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Section 2, of Article IV, of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce the bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Bennett, Campbell, Cassidy, Curtin, Cullen, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—35.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER)

The following bills were introduced:

By Senator Boynton: Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Bill read first time, and referred to Committee on County Government.

By Senator Roseberry: Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Cullen: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Finance.

By Senator Shanahan: Senate Bill No. 1283—An Act to amend Section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read first time, and referred to Committee on County Government.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cullen asked for, and was granted, unanimous consent to take up Assembly Bill No. 1094 for consideration, out of order.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Read third time.

On motion of Senator Campbell, Senate Bill No. 1094 was temporarily passed on file, to retain its place.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Stetson, the second-reading file of Senate bills was taken up, out of order.

WITHDRAWAL OF BILL.

Senator Hare asked for, and was granted, unanimous consent to withdraw Senate Bill No. 724—An Act to amend Section 461 of the Penal Code of the State of California, relating to punishment for burglary.

Senate Bill No. 724 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948—and report the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1221 ordered on file for third reading.

SECOND READING OF SENATE BILLS—OUT OF ORDER—(RESUMED).

Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Senate Bill No. 304 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No 1216 (Committee Substitute for)—An Act authorizing any city and county, incorporated city or town to require persons, firms or private corporations owning or operating public utilities of the same class therein, to interchange the services furnished thereby.

Committee Substitute for Senate Bill No. 1216 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1200—An Act granting to the city and county of San Francisco, State of California, any and all property, real, personal and mixed, in possession of the State of California, and situated in the city and county of San Francisco, and under the jurisdiction and control of the State Board of Harbor Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California to be numbered section three hundred twenty-seven, relating to gift enterprises.

Senate Bill No. 1066 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

During second reading of the bill the following amendments were submitted by committee:

On page 1, Section 1, line 3, after the word "maintained", insert the following "without lawful permission".

Amendment adopted.

Also:

On page 2, Section 4, line 1, after the word "violating", insert the words "any of".

Amendment adopted.

Also:

On page 2, Section 4, line 1, strike out the figure "4", and insert in lieu thereof the following: "5".

Amendment adopted.

Also:

On page 2, Section 5, line 1, strike out the figure "5", and insert in lieu thereof the following: "4", and put said entire section between Sections 3 and 4.

Amendment adopted.

Also:

On page 2, Section 6, strike out all of Section 6.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 902—An Act to add a new section to the Political Code, to be known and numbered as Section 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by striking out the period at the end thereof and adding the following: "and authorize the appointment of additional deputies by district attorneys in counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes, and providing for their compensation."

Amendment adopted.

Also:

At the end of Section 1 add the following:

"The district attorney nor any of his deputies shall be permitted to appear as an attorney in any action for divorce or annulment of marriage representing any party in any of such actions except as herein provided. In the event that the district attorney shall be disqualified to appear in any action by reason of interest therein relation to any of the parties thereto such that it disqualifies a judge from sitting in any of such actions, the court shall have power to appoint a special examiner to take the place of the district attorney who shall be an attorney at law and who shall perform the duties herein required of the district attorney when such district attorney is disqualified for any reason or whenever in the opinion of the court such appointment of a special examiner is required. Such special examiner shall receive the sum of ten dollars per day for his services in any such action or actions, which sum shall be a charge against the county in which such action is tried and paid in the same manner that other claims against such county are paid.

For the purpose of more effectually carrying out the provisions of this law district attorneys in counties of the classes hereinafter designated are hereby authorized and empowered to appoint additional deputies as follows: In counties of the first and second classes, four deputies each in addition to the number already provided by law; in counties of the third class, one deputy each in addition to the number already provided by law; and in counties of the fourth, fifth, sixth, seventh, eighth, ninth and tenth classes, one deputy each in addition to the number already provided by law.

Each of the deputies provided for by this Act shall receive a salary of one hundred and fifty dollars per month, to be paid by the county in the same manner as the salaries of other deputies of such district attorneys."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 904—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1020, relating to the service of summons in actions for divorce or annulment of marriage.

During second reading of the bill, the following amendments were submitted by committee:

In line 7, Section 1, page 1, after the word "summons", insert the following: "and a copy of the complaint".

Amendment adopted.

Also:

At the end of line 9, Section 1, page 1, strike out the period, and insert in lieu thereof the following: "and summons issued."

Amendment adopted.

Also:

At the end of Section 1, page 1, insert the following:

"All cross-complaints in such actions shall be served upon such district attorney within five days after the same is filed.

The district attorney may file an unverified answer to such complaint or cross-complaint and shall have all the rights of parties to actions under the law of the State of California."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of two additional superior court judges in Los Angeles County, and providing for their compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 948—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

Senate Bill No. 948 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125*a*, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

During second reading of the bill, the following amendments were submitted by committee:

In line 14, page 1, of the printed bill, after the word "convention," strike out the "period", and insert in lieu thereof the following: ", unless said board shall authorize the attendance of the assessor and deputy."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR WOLFE IN THE CHAIR.

At four o'clock and thirty minutes p. m., Senator Wolfe, of the Twenty-first District, in the chair

SPECIAL APPROPRIATION FILE—THIRD READING OF SENATE PILLS—(OUT OF ORDER).

On motion of Senator Gates, the third-reading file of special appropriation bills was taken up, out of order.

Senate Bill No. 209—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

On motion of Senator Stetson, Senate Bill No. 209 was re-referred to the Committee on Finance.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1243 passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burgett, Caminetti, Cassidy, Finn, Gates, Hans, Hare, Holohan, Juilliard, Martinelli, Egan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Walker, Welch, and Wolfe 27.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Cullen, as a special committee of one, to amend as follows:

In Section 1, line 4, of the amended bill, strike out the words "to be paid to the State Board of Prison Directors and".

Also: Strike out Section 2, on page 2, of the amended bill, and insert in lieu hereof the following:

"SEC. 2. Of the amount herein appropriated the sum of sixty-five thousand and one dollars shall become available on and after the passage of this Act; the sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1911, and the sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1912. The State Controller is hereby authorized and directed to draw his warrants for the amounts herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

Also: Strike out Sections 3, 4, 5, 6, and 7 of the amended bill.

Also: On page 3, Section 8, line 1, of the amended bill, strike out the numeral "8", and insert in lieu thereof the numeral "3".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 657, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Caminetti asked for, and was granted, unanimous consent to withdraw Senate Bill No. 140—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Senate Bill No. 140 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1094 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of Section 10n, line 73, the comma after the word "second", and the following words: "thirty-eighth and fifty-sixth", and inserting in lieu thereof the following: "and thirty-eighth".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1094, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Gates, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1094.

CONSIDERATION OF BILL.—OUT OF ORDER.

Senator Finn asked for, and was granted, unanimous consent to take up Assembly Bill No. 313 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Finn moved to refer to Senator Beban, as a special committee of one, to amend as follows:

By inserting in the title of the first line thereof after the word "construction", the words "and maintenance".

Also: By inserting on page 3, line 54, after the word "or", and before the word "any", the word "maintain".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 313, with instructions to amend, respectfully reports the same back, amended as per instructions.

BEBAN, Committee.

On motion of Senator Finn, further consideration of the report of the special committee of one, and the amendments to Assembly Bill No. 313, was temporarily postponed.

MESSAGE FROM THE ASSEMBLY.—OUT OF ORDER.

On motion of Senator Cassidy, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Also: Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also: Senate Bill No. 497—An Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment, liens, and the time when such liens begin and expire.

Also: Senate Bill No. 674. An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly amendments to Senate Bills Nos. 497, 501, and 674 having been heretofore concurred in by the Senate.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 494?"

On page 2, of the printed bill, strike out all line 34, down to and including line 40.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 494 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Finn, Gates, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Senate Bill No. 494 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 190?"

Strike out all in the title, and insert the following:

"An Act to amend Section 10 of an Act entitled 'An Act to authorize the incorporation of rural cemetery associations,' approved April 18, 1859, and all Acts amendatory thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 10 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof, is hereby amended so as to read as follows:

Section 10. The cemetery lands and property of any associations, formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots, or plots, in such cemeteries, their heirs, or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery.

SEC. 2. This Act shall take effect immediately.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 190 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutten, Finn, Gates, Hans, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wolfe—29.

NOES—None.

Senate Bill No. 190 ordered to enrollment.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Governor was taken up and read:

EXECUTIVE OFFICE,
SACRAMENTO, CAL., March 13, 1911.

To the Senate of the State of California:

I return to you herein, without my approval, Senate Bill No. 529, entitled "An Act relating to fishing in streams that are stocked or supplied with fish by state or county."

The reason I have vetoed this bill is because such legislation is invalid. The bill provides that any person may, for the purposes of fishing, go upon the lands of another

bordering upon streams that have been stocked with fish. Section 14 of Article I of the Constitution provides that "private property shall not be taken or damaged for public use without just compensation having first been made to or paid into court for the owner," etc. It has uniformly been held that an entry upon private lands is to that extent a taking of such private lands.

The Attorney General, to whom I submitted this Act for an opinion as to its validity, has furnished me the various adjudications bearing upon the subject, and has reached the conclusion that the Act is clearly unconstitutional, and in this conclusion I am forced to concur.

For this reason, I have vetoed the bill.

Respectfully submitted

HIRAM W. JOHNSON,
Governor of California.

Further consideration of the Governor's veto of Senate Bill No. 529 was temporarily passed, in the absence of Senator Birdsall, author of the bill.

REPORTS OF STANDING COMMITTEES — OUT OF ORDER.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred from the committee on Public Buildings and Grounds, Senate Bill No. 450—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California and to make appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 450 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 2 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CUTTEN, Chairman.

Assembly Bill No. 159 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Also: Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and con-

trol thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 10000, and providing for the liquidation and winding up of said dissolved districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bills Nos. 1475 and 1476 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Cutten offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

Senator Gates offered, and sent to the desk for introduction, a joint resolution.

Joint resolution ordered referred to Committee on Introduction of Bills.

SPECIAL ORDER VACATED.

Senator Hurd moved that the special order heretofore set for Wednesday, March 15, 1911, immediately after the reading of the Journal, the same being the further consideration of Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—be vacated.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 691 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

In line 7, of the printed bill, after the word "county", strike out the words "of the first class".

Also: After the word "poverty", in line 13, insert the words "or sickness".

Also: Beginning with line 15, strike out the rest of the bill, and insert in lieu thereof the following: "the board of supervisors, upon receiving from said superintendent a written report of such facts, may authorize the payment, out of the county treasury, of not exceeding eleven dollars per month for the purpose of providing such food and clothing for such child during the continuance of said poverty or sickness or other cause and only during the session of school in any such school district".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 691, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of the report of the special committee of one, and the amendments to Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths, be made a special order for Tuesday, March 14, 1911, immediately after the special orders heretofore set.

Motion carried.

RECESS.

At five o'clock P. M., on motion of Senator Bell, the acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. C. E. McLaughlin, of Sacramento.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District No. 833," and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, eight o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called and the following answered to their names:

Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Hurd, Larkins, Roseberry, Shanahan, Strebbridge, Thompson, Walker, and Wright—17.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and twenty minutes P. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Burnett, he was excused for absence from the Senate Chamber.

At eight o'clock and twenty-one minutes P. M., Senator Rush was brought to the bar of the Senate, and, on motion of Senator Boynton, he was excused for absence from the Senate Chamber.

At eight o'clock and twenty-two minutes P. M., Senator Curtin was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

At eight o'clock and twenty-five minutes P. M., Senators Cassidy, Martinelli, Tyrrell, and Lewis were brought to the bar of the Senate, and, on motion of Senator Boynton, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called, and Senate Bill No. 1255 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Walker, granted leave of absence for the evening.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1535 finally passed by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Larkins, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 84 of Article XI relating to the powers conferred on municipal corporations by freeholders' charters.

Also: Senate Bill No. 118—An Act to amend Section three thousand six hundred and fifty five of the Political Code, relating to the duties of county assessors.

Also: Senate Bill No. 155—An Act appropriating money for the erection of a hospital building at the Preston School of Industry.

Also: Senate Bill No. 404—An Act to provide for the investigation of the practicability of the construction of canals and the canalization of rivers, their tributaries, and other waterways in California in aid of commerce; to define the duties of the Department of Engineering and of the Governor in relation thereto, and to make an appropriation to defray the cost of such investigation.

Also: Senate Bill No. 941—An Act to amend Section 4254 of the Political Code relating to the salaries and fees of officers of counties of the twenty-second class.

Also: Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also: Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 48 ordered on file.

Senate Bills Nos. 118, 155, 404, 941, 1027, and 1014 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1159—An Act to amend Sections seventeen hundred fifty-one, seventeen hundred forty six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county, and providing for payment of same.

Also: Senate Bill No. 1211—An Act to amend sections two and four of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Also: Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations", approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1159, 1211, 169, and 1133 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels in unnavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Also: Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Also: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials.

Also: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by amending Section 8 thereof and by adding a new subdivision thereto to be known as Subdivision 16.

Also: Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also: Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also: Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also: Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Also: Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1911, at five o'clock p. m.

CASSIDY, Chairman.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1014 passed by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Finn, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stelson, Strohbridge, Thompson, Tyrrell, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1026 passed by the following vote:

AYES—Senators Avey, Bills, Black, Bryant, Caminetti, Campbell, Curtin, Estudillo, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—25.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1094 finally passed by the following vote:

AYES—Senators Avey, Bills, Black, Bryant, Campbell, Curtin, Estudillo, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—22.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1221 passed by the following vote:

AYES—Senators Avey, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—25.

NOTES—Senator Lewis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

On motion of Senator Hare, Senate Bill No. 726 was temporarily passed on file, to retain its place.

Senate Bill No. 1159 (Committee Substitute for)—An Act to amend section one thousand seven hundred and fifty-one of the Political Code, relating to the admission of pupils to high schools.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1159 passed by the following vote:

AYES—Senators Avey, Bills, Boynton, Caminetti, Campbell, Curtin, Cutten, Estadillo, Hurd, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 893 —An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

On motion of Senator Wright, Senate Bill No. 893 was temporarily passed on file, to retain its place.

Senate Bill No. 941—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By striking out of Section 1, line 106, after the word "the", the word "day", and inserting in lieu thereof the following: "board".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 941, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and reëngrossment.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the

creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.' approved March 20, 1909.

Read third time.

On motion of Senator Stetson, Senate Bill No. 217 was temporarily passed on file, to retain its place.

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 924 was temporarily passed on file, to retain its place.

Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District No. 832," and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1254 passed by the following vote:

AYES—Senators Avey, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Gates, Holehan, Hurd, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wright moved that all bills on the Members' Special Urgency File not disposed of, be placed on a special file to be considered on Wednesday, March 14, 1911, at twelve o'clock m.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California, and to repeal Sections 1183a, 1200, and 1203a of said code, all relating

to the liens of mechanics and others—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Assembly Bill No. 278 ordered on file for second reading.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., on motion of Senator Stetson, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, March 14, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tem, of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Father James P. Towey, of San Francisco.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 13, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to George C. Flint, of Los Angeles.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to James L. Wallace, of San Francisco.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts, have had the same under consideration, and respectfully report the same back with amendments, and recommend that it pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 1086 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Also: Senate Bill No. 1200—An Act granting to the city and county of San Francisco, State of California, any and all property, real, personal and mixed, in possession of the State of California, and situated in the city and county of San Francisco, and under the jurisdiction and control of the State Board of Harbor Commissioners.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1049 and 1200 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt county.

Also: Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 20, 1868 or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Also: Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers.

Also: Senate Bill No. 785—An Act to amend Section 607½ of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Also: Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or manure's used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Also: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of March, 1911, at ten o'clock and thirty minutes A. M.

CASSIDY, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 15, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 15.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

The Legislature of the State of California at its regular session commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California the following amendment amending Section 7 of Article XI thereof so as to read as follows:

Section 7. The Legislature by general laws may provide for the merging and consolidating of contiguous territory of two or more cities, or cities and counties,

or counties or any part of any county or counties, containing in the aggregate a population of at least one hundred and seventy-five thousand, into one consolidated city and county government. No city or town shall become a part of such city and county unless a majority of the qualified electors of such city or town, voting thereon at a general or special election, shall approve such consolidation and the charter of such consolidated city and county, nor shall any city or town be divided by such consolidation. The charter so adopted may provide for a borough system of government, by which the different municipalities so uniting for general municipal purposes shall nevertheless retain and exercise such special municipal powers as the charter may provide. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated governments. The provisions of this article as to the removal of county seats and the formation of new counties shall not apply to the formation of such consolidated city and county governments, and the Legislature may by general laws provide for the removal of county seats made necessary by the formation of such consolidated city and county government. Such city and county shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which any part of its territory is taken, and shall be entitled to a just proportion of the property of such county or counties, and until such proportion is determined by general law such city and county shall be entitled to any property of such county or counties situated within the limits of such city and county, and such county or counties shall be entitled to any property of such county or counties situated without the limits of such city and county. Such consolidated government shall also be liable for all the existing debts and liabilities of any municipal corporation merged therein, but provision shall be made for the payment of all outstanding bonds of such municipalities by taxes levied upon the property liable therefor at the time of such consolidation. The Legislature shall, by such general laws, provide for the organization of county governments and for the holding and territorial jurisdiction of superior courts in the remainder of any county whenever territory consolidated into a city and county government under the provisions hereof shall include the county seat of any county, such organization of county governments, and such holding and jurisdiction of superior courts to continue only until such time as the same is otherwise provided for by law.

Senate constitutional amendment read.

SENATOR WALKER IN THE CHAIR.

At ten o'clock and thirty-five minutes A. M., Senator Walker, of Twenty-seventh District, in the chair.

SUSPENSION OF RULE.

Senator Campbell moved that the rule limiting the time of debate to five minutes be suspended during the consideration of Senate Constitutional Amendment No. 15.

Motion carried.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At eleven o'clock A. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36, the same was taken up for consideration.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 36 be made a special order for Wednesday, March 15, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35, the same was taken up for consideration.

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 35 be made a special order for Wednesday, March 15, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1106, the same was taken up for consideration.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Assembly Bill No. 1106 be made a special order for Wednesday, March 15, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 33, the same was taken up for consideration.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article 6 thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior

courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 33 be made a special order for Wednesday, March 15, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 934, the same was taken up for consideration.

Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Bill No. 934 be made a special order for Wednesday, March 15, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended for one hour and ten minutes.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the adoption of Senate Constitutional Amendment No. 15.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, one o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hays, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welen, Wolfe, and Wright—39.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the name of the absentee, was directed to bring him to the bar of the Senate.

At one o'clock and twenty-five minutes P. M., Senator Estudillo was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At one o'clock and thirty-seven minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called, and Senate Constitutional Amendment No. 15 refused adoption by the following vote:

AYES. Senators Reban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cassidy, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Regan, Shanahan, Walker, Welch, and Wright—19.

NOES. Senators Avey, Bell, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hans, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, and Wolfe—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 15 was this day refused adoption.

MOTION.

Senator Boynton moved that the consideration of the special third-reading file set for twelve o'clock this day be postponed until after the consideration of the second-reading file of Assembly bills.

Motion carried.

RECESS.

At one o'clock and forty minutes P. M. the President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

PETITION.

The following petition was presented, and ordered printed in the Journal:

OAKLAND, CAL., March 7, 1911.

To the Honorable the Lieutenant Governor and Senators of the State of California,
Greeting:

Lyon Post, No. 8, Department of California and Nevada, G. A. R., hereby memorialize and respectfully petition your honorable body to vote for and pass Senate Bill No. 56, appropriating the sum of \$100,000 for the construction and equipment of a building or buildings for the use of wives and widows of dependent honorably discharged Union soldiers, sailors, or marines.

The states of Iowa, Illinois, Indiana, Wisconsin, Minnesota, Nebraska, and many others have appropriated sums of not less than one hundred thousand dollars for similar purposes and we feel that the great State of California should get in line in caring for and housing the wives and widows of veterans of the Civil War. Our State has liberally provided for disabled veterans, but the aged wife is left to care for herself while the husband goes sadly to the Home, separated from his life companion for whom he has provided for half a century. The Old Guard, composed of more than six thousand veterans in this State, appeal to your intelligence and patriotism and earnestly request your favorable action on said bill.

Adopted by unanimous vote of Lyon Post, and respectfully submitted for your consideration.

NATHANIEL HOOD, Post Commander.
M. K. WALKER, Adjutant.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of two additional Superior Court judges in Los Angeles County, and providing for their compensation—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1083 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also: Senate Bill No. 696—An Act to amend section one of an Act, entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of March, 1911, at two o'clock P. M.

CASSIDY, Chairman.

SUSPENSION OF RULE.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

In line 7, Section 1, page 1, of printed bill, insert after the word "county", the following: "which is stocked or supplied, in whole or in part, with fish, by the State or counties, and".

Also: After the word "stream", in line 7, Section 1, page 1, of printed bill, add the words "which does lie within or run through cultivated land".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 28, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

Assembly Constitutional Amendment No. 2--A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

The following amendment was offered by Senator Shanahan:

Strike out of Section 7, lines 17, 18, and 19, the words "and sold at the cost price of printing, publishing and distributing the same", and inserting in lieu thereof the following: "to the pupils of the common and elementary schools of the State free of any cost or charge".

Amendment adopted.

Assembly constitutional amendment read, and ordered to print and on file.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Assembly Bill No. 405 was temporarily passed on file, in the absence of Senator Curtin, to retain its place.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays, approved March 23, 1901."

On motion of Senator Shanahan, Assembly Bill No. 643 was temporarily passed on file, to retain its place.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

On motion of Senator Bell, Assembly Bill No. 365 was temporarily passed on file, to retain its place.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property.

On motion of Senator Bell, Assembly Bill No. 883 was temporarily passed on file, to retain its place.

Assembly Bill No. 198 (Committee Substitute for)—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 198 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hare, Hurd, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1080 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Rush, Sanford, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto, to be numbered 26.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Holohan, as a special committee of one, to amend as follows:

By striking out all of Section 10, on page 10, of the printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1089, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 239 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Finn, Hare, Larkins, Lewis, Regan, Sanford, Shanahan, Walker, Welch, and Wolfe—22.

NOES—Senators Boynton, Gates, and Roseberry—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 541 was temporarily passed on file, to retain its place.

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Campbell, Cassidy, Cutten, Finn, Gates, Hare, Holohan, Larkins, Lewis, Regan, Sanford, Shanahan, Walker, Welch, and Wolfe—21.

NOES—Senators Boynton and Roseberry—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replaing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cassidy, Curtin, Cutten, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobebridge, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work or property.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, the period after the word "property", and inserting in lieu thereof the following: a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 883, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of the report of the special committee of one, and the amendments to Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—offered March 13, 1911, the same was taken up for consideration.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

In line 7, of the printed bill, after the word "county", strike out the words "of the first class".

Also: After the word "poverty", in line 13, insert the words "or sickness".

Also: Beginning with line 15, strike out the rest of the bill, and insert in lieu thereof the following: "the board of supervisors, upon receiving from said superintendent a written report of such facts, may authorize the payment, out of the county treasury, of not exceeding eleven dollars per month for the purpose of providing such food and clothing for such child during the continuance of said poverty or sickness or other cause and only during the session of school in any such school district".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 691, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Hurd, the Secretary was directed to issue a rush order for printing Senate Bill No. 691.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Roseberry moved a call of the Senate.

Motion carried.

Time, three o'clock and fifty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—32.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and fifty-six minutes P. M. Senator Bills was brought to the bar of the Senate, and, on motion of Senator Campbell, he was excused for absence from the Senate Chamber.

At four o'clock P. M., Senators Tyrrell and Estudillo were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

At four o'clock and one minute P. M., Senator Bryant was brought to the bar of the Senate, and, on motion of Senator Hare, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Roseberry.

The roll of absentees was called, and Assembly Bill No. 842 refused final passage by the following vote:

AYES—Senators Boynton, Burnett, Caminetti, Cartwright, Cassidy, Hewitt, Holohan, Juilliard, Lewis, and Shanahan—10.

NOES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Campbell, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hurd, Larkins, Regan, Roseberry, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—26.

NOTICE OF MOTION TO RECONSIDER.

Senator Roseberry gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 842 was this day refused final passage.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 717.—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 717 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties, and amendments to such charters, and to the surrender thereof.

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Also: Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Committee Substitute for Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one a, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Constitutional Amendment No. 5 ordered on file.

Senate Bills Nos. 959, 1137, and Committee Substitute for Senate Bill No. 1132 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 112—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition, and making an appropriation therefor.

Also: Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

Also: Senate Bill No. 1102—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Also: Senate Bill No. 1105—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Also: Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class, and to amend subdivision two of section four thousand two hundred sixty-five of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

Also: Senate Bill No. 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and to punish persons violating the provisions of this Act.

Also: Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts.

Also, Senate Bill No. 1138—An Act to amend Sections 1240, 1241, 1247 and 1248 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 442, 1101, 1102, 1105, 680, 760, 1028, and 1138 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS, ETC.—RESUMED.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 finally passed by the following vote:

AYES—Senators Avey, Roban, Bell, Bliss, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Curtin, Curran, Esquillo, Finn, Gates, Hare, Hewitt, Hurd, Hurd, Juilhard, Larkens, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 25.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

The Legislature of the State of California at its regular session commencing the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof hereby propose that Section 13 of Article XX of the Constitution of the State of California be amended so as to read as follows:

Section 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution; provided, that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of this Constitution, to prescribe the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor; and provided also, that it shall be competent for the Legislature by general law to provide the manner in which officers or municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 25 adopted by the following vote:

AYES—Senators Avey, Roban, Bell, Bliss, Black, Boynton, Bryant, Burnett, Cammetti, Campbell, Cartwright, Curtin, Curran, Esquillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilhard, Larkens, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—33.

NOES—None.

Assembly Constitutional Amendment No. 25 ordered transmitted to the Assembly.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Burnett, Assembly Bill No. 70 was temporarily passed on file, to retain its place.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling rivets, etc.," approved March 6, 1909.

On motion of Senator Stetson, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum, and recall, by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Read third time.

On motion of Senator Black, Assembly Bill No. 100 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 6 for consideration, out of order, for the purpose of amendment.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties.

The following amendment was submitted by committee:

On page 4, Section 1, line 81, strike out the period after the word "herewith", and insert in lieu thereof the following: "except that the three commissioners referred to in said Act shall be heard and construed to be the five commissioners provided for herein."

Amendment adopted.

Assembly constitutional amendment read, ordered to print, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 6.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911

MR. PRESIDENT: We, your Committee on Free Conference, to whom was referred Senate Bill No. 373, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in—beg leave to report that we have met and considered said Senate Bill No. 373 and recommend as follows:

Amend Senate Bill No. 373 as amended in the Assembly on March 1, 1911, by striking out of Section 1, page 2, line 49, of printed bill, all after the word "township", in line 49; also all of line 50, and the word "district" on page 3, line 51, of printed bill.

After the last word in line 52a, page 3, of printed bill, strike out the period and insert in lieu thereof a semicolon and the following: "; bonds issued by irrigation districts which are permitted to be invested in as provided for in an Act of the thirtieth session of the Legislature entitled 'An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance com-

panies and for the state school lands, and providing that such lands may be loaned as security, and providing for a commission for appraising such lands; for a report thereon, for the filing of such report and for the preaffirming of such lands in the office of the State Controller, approved March 9, 1911; bonds of any sewer district, drainage district, protection district, or sanitary district in any county in this State, provided, that the total amount of bonds of any sewer district, drainage district, protection district or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county.

And we recommend the adoption of this report and the adoption of the foregoing amendments to said bill.

Respectfully,

BISHOP,
JONES,
GRIFFIN.

Committee from the Assembly.

CURTIN,
TYRRELL,
CLITTEN.

Committee from the Senate.

Report, and amendments, read.

The question being upon the adoption of the report and amendments.

The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Aves, Bevan, Bell, Belts, Birdsal, Black, Boynton, Bryant, Caminetti, Curtin, Cutton, Escudelle, Fann, Gates, Hays, Hewitt, Holahan, Harb, Juillard, Lewis, Regan, Roscherry, Sanford, Shandham, Statson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 373 and report of Committee on Free Conference, and amendments, ordered transmitted to the Assembly.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Finn asked for, and was granted, unanimous consent to take up Assembly Bill No. 313 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Read third time on previous day, and motion to refer to special committee of one, to amend, offered March 13, 1911.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Finn moved to refer to Senator Beban, as a special committee of one, to amend as follows:

By inserting in the title of the first line thereof, after the word "construction", the words "and maintenance".

Also, By inserting on page 3, line 54, after the word "or", and before the word "any", the word "maintain".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 313, with instructions to amend, respectfully reports the same back, amended as per instructions.

BEBAN, Committee.

The report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Finn moved to refer to Senator Beban, as a special committee of one, to further amend Assembly Bill No. 313 as follows:

Insert a comma after the word "concrete", in line 48, page 2, of the printed bill.

Also: Strike out all of Section 3, on page 3, of the printed bill, and insert in lieu thereof a new section to be numbered Section 3, and to read as follows:

"SEC. 3. None of the provisions of Subdivisions *a*, *b*, *c* and *d*, of section one of this Act shall be so construed as to be retroactive or apply to works already constructed, and all Acts or parts of Acts which are in conflict with this Act are hereby repealed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 313, with instructions to amend, respectfully reports the same back, amended as per instructions.

BERAN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 1195 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Strike out the period at the end of line 21, page 2, of the printed bill, and insert in lieu thereof a semicolon and the following: "*provided*, that such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1195, with instructions to amend, respectfully reports the same back amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 135—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Also: Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

Also Senate Bill No. 1134. An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two of the Penal Code, all relating to appeals to the Supreme Court.

Also Assembly Bill No. 846. An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Also Senate Bill No. 1050. An Act entitled "An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators."

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 136, 135, and 846 ordered on file for second reading.

Senate Bills Nos. 1134 and 1050 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 15. An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also Assembly Bill No. 1319. An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices of peace courts.

Also Assembly Bill No. 1320. An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to Superior Courts.

Also Assembly Bill No. 1321. An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Also Assembly Bill No. 1322. An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on Appeal.

Also Assembly Bill No. 1323. An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Also Assembly Bill No. 1343. An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Also Assembly Bill No. 1349. An Act proceeding for the conveyance by quitclaim deed from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 15, 1319, 1320, 1321, 1322, 1323, 1343, and 1349 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 27. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 13 of Article I thereof to empower its Legislature to provide by law for comment by a prosecuting officer on the failure of an accused person to testify, and for instructions by the court to the jury regarding the same, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STETSON, Chairman.

Senate Constitutional Amendment No. 27 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1112. An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Also Assembly Bill No. 1113. An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Also Assembly Bill No. 1114. An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Also: Assembly Bill No. 1202—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

Also: Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Also: Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight, and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Also: Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen, and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Also: Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Also: Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Also: Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Also: Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Also: Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Also: Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven *a*, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four, and thirteen hundred seventy-five of the Political Code of the State of California, relating to elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 1112, 1113, 1114, 1202, 1108, 1109, 1110, 1111, 1115, 1116, 1117, 1201, and 1204 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Also: Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Also: Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEWIS, Chairman.

Assembly Bills Nos. 1365, 788, and 830 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such

districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the saying of assessments, have had the same under consideration, and respectfully report the same back and recommend that the same do pass as amended.

LEWIS, Chairman.

Assembly Bill No. 780 ordered on file for second reading.
Also

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Irrigation to whom was referred Assembly Bill No. 789, An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, education and other power, mines and mining, mineral and other lands, drainage, reclamation and irrigation, and for providing systematizing and performing the duties of this State upon contracting regarding or appertaining to those said subjects, proposing for the appointment of said commission to be known as the Conservation Commission of the State of California, prescribing the powers and duties of said commission and its members, and providing for the expenses of said commission, and appropriating money therefor.

Also, Assembly Bill No. 735, An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power, fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years, limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated, declaring certain water to be unappropriated, providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water, reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, consenting the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a State board of control, providing the powers and duties of said board of control and fixing their compensation, compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control, providing for the appointment and compensation of employees and assistants to said board of control, limiting the expenses of said board of control and providing for the payment thereof, fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass, and be re-referred to Committee on Finance.

LEWIS, Chairman.

Assembly Bills Nos. 789 and 735 ordered re-referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class.

Also, Senate Bill No. 1038—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Also, Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also, Senate Bill No. 975—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

Also, Senate Bill No. 1180—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-fifth class.

Also, Senate Bill No. 1043—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also, Senate Bill No. 1042—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 972, 1038, 974, 975, 1180, 1043, and 1042 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1260—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Senate Bill No. 1260 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventh class.

Also: Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Also: Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056h, relating to the power of boards of supervisors and giving such boards such authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Also: Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Also: Assembly Bill No. 1180—An Act to amend Section 4245 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

Also: Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 1284, 1559, 1545, 1295, 1180, and 1051 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HEWITT, Chairman.

Assembly Bill No. 1381 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.*

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the

State of California to be known and numbered as Section 6287, relating to gathering claims, and prescribing a penalty for gathering claims under a certain size or having more than a certain number in one's possession.

Also Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dikes, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1906.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALKER, Chairman.

Assembly Bills Nos. 1492 and 1538 ordered on file for second reading.

SECOND READING OF ASSEMBLY BILLS—OUT OF ORDER

On motion of Senator Bell, the second reading file of Assembly Bills was taken up, out of order.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593*b* and relating to party telephone lines and wire.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1909; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, after the letter "a" insert the word "lode".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the word "appropriate", and insert in lieu thereof the following: "natural objects or permanent".

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the comma (,) insert the following: "at each corner thereof."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under local improvement Act of 1901.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the following: "(30)".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 37, strike out the word "country", and insert in lieu thereof the following: "county".

Amendment adopted.

Also:

On page 2, Section 1, line 46, strike out the words "two thousand and six hundred", and insert in lieu thereof the following: "three thousand".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class and adding a new section thereto to be numbered 4263a.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 6, of title, after the word "streets", insert the word "avenues".

Amendment adopted.

Also:

On page 1, line 7, of title, strike out the words "a system of" and insert in lieu thereof the following: "for the issuance and payment of".

Amendment adopted.

Also:

On page 3, Section 1, line 4, strike out the word "opened" and insert in lieu thereof the word "open".

Amendment adopted.

Also:

On page 3, Section 2, line 1, after the word "portion" insert the words "or portions".

Amendment adopted.

Also:

On page 4, Section 2, line 15, strike out the comma after the word "appearances", and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 4, Section 2, line 16, strike out the comma after the word "protection", and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 4, Section 2, line 19, strike out the comma after the word "water", and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 4, Section 2, line 21, strike out the words "the same", and insert in lieu thereof the following: "said streets, avenues, lanes, alleys, courts, places or public ways."

Amendment adopted.

Also:

On page 4, Section 3, line 3, strike out the first "do", and insert in lieu thereof the word "to".

Amendment adopted.

Also:

On pages 4 and 5, Section 3, lines 5, 6 and 7, strike out the words "and describing the work, which shall be posted by the clerk conspicuously for two days on or near the chamber door of said council, and", and insert in lieu thereof the following: "and briefly describing the work. Said resolution of intention shall be".

Amendment adopted.

Also:

On page 5, Section 3, strike out lines 10, 11, 12, and line 13 to and including the word "contract", and insert in lieu thereof the following: "The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this Act and any number of streets and rights of way or portions thereof."

Amendment adopted.

Also:

On page 5, Section 5, line 1, insert after the word "shall" the following: ", immediately after the adoption of the resolution of intention."

Amendment adopted.

Also:

On page 6, Section 5, lines 9 and 10, strike out the following: "the street frontages of all the real property within such district", and insert in lieu thereof the following: "all the streets within such district at not more than three hundred feet in distance apart, but not less than three in all on each street".

Amendment adopted.

Also:

On page 6, Section 5, line 13, insert after the word "resolution", and before the comma, the following: "of intention".

Amendment adopted.

Also:

On page 6, Section 5, line 15, strike out the words "for further particulars", and insert in lieu thereof the following: "of intention for further particulars. Upon the completion of the posting of the notices of improvement the superintendent of streets shall forthwith cause to be filed in the office of the city clerk an affidavit stating the fact of the completion of the posting of such notices and the date of such completion and thereafter all persons shall be deemed to have notice of the date of the completion of such posting."

Amendment adopted.

Also:

On page 6, strike out all of Section 6, and insert in lieu thereof the following: "SEC. 6. At any time within fifteen days after the date of the second publication of the resolution of intention or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention then within fifteen days after the date of the completion of the posting of the said notice of improvement, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both. Such protest must be in writing and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the city council after the expiration of the time within which said protest may be so made, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive: *provided, however,* that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district and the city council finds that such protest is made by the owners of more than one half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said clerk of said city council, unless the said protest be overruled by an affirmative vote of four fifths of the members of the city council. The city council may adjourn said hearing from time to time."

Amendment adopted.

Also:

On page 6, strike out all of Section 7, and insert in lieu thereof the following: "SEC. 7. When no protests have been delivered to the clerk of the city council within fifteen days after the date of the second publication of the resolution of intention, or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention, then within fifteen days after the date of the completion of the posting of the said notice of improvement, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements."

Amendment adopted.

Also:

On page 7, strike out all of Section 9, and insert in lieu thereof the following: "SEC. 9. In all resolutions, notices, orders and determinations subsequent to resolution of intention and notice of improvement, it shall be sufficient to briefly describe the work or the assessment district or both and to refer to the resolution of intention for further particulars."

Amendment adopted.

Also:

On page 7, Section 10, lines 3 and 4, strike out the comma after the word "work", and the following: "and cause notice with specifications to", and insert after the word "work" a period and the following: "Notice with specifications, shall".

Amendment adopted.

Also:

On page 7, Section 10, line 6, strike out the comma after the word "ordered", and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 7, Section 10, strike out lines 7 and 8, and insert in lieu thereof the following: "Notice inviting such proposals, and referring to the specifications posted or on file, shall".

Amendment adopted.

Also:

On page 8, Section 10, line 30, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 9, Section 12, line 7, strike out the period after the word "awarded", and in lieu thereof insert a comma and the following: "and all work done under such contract shall be subject to such regulations as may be prescribed by ordinance of the city council."

Amendment adopted.

Also:

On page 9, Section 12, line 10, strike out the words "first publication of said award," and insert in lieu thereof the following: "date of such written contract."

Amendment adopted.

Also:

On page 9, Section 12, line 14, after the word "bid", insert the following: "All contracts entered into between the owners of any property and the contractor or his agents shall be in duplicate and shall contain all items of expense and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract shall be held by the contractor, or his agent, and the duplicate shall be held by the owners, who must receipt to the agent or contractor therefor."

Amendment adopted.

Also:

On page 13, Section 20, line 19, after the word "crossing", insert the following: "or to the end of such street if it does not meet another,".

Amendment adopted.

Also:

On pages 14 and 15, strike out all of subdivision eight, lines 69 to 90, inclusive, and insert in lieu thereof the following:

"Subdivision Eight. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the Government, school board, educational, penal, or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and

expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declaration, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund."

Amendment adopted.

Also:

On page 17, Subdivision 10, lines 151 and 152, strike out the words "the city council shall direct the city engineer to", and insert in lieu thereof the following: "the city engineer shall".

Amendment adopted.

Also:

On page 17, lines 160 and 161, strike out the comma after the word "shall", and the following: "at the time of such approval".

Amendment adopted.

Also:

On page 17, Subdivision 10, line 179, after the word "subdivisions" insert the word "one".

Amendment adopted.

Also:

On page 18, Subdivision 11, line 186, insert a comma after the word "railroad".

Amendment adopted.

Also:

On page 18, Subdivision 11, line 187, insert a comma after the second word "railroad".

Amendment adopted.

Also:

On page 18, Subdivision 11, line 197, insert a comma after the first word "railroad".

Amendment adopted.

Also:

On page 18, Section 21, line 5, strike out the word "any", and insert in lieu thereof the word "all".

Amendment adopted.

Also:

On page 18, Section 21, line 12, strike out the word "any", and insert in lieu thereof the word "all".

Amendment adopted.

Also:

On page 19, Section 23, line 1, strike out the words "assessment, and diagram", and insert in lieu thereof the following: "and assessment".

Amendment adopted.

Also:

On page 19, Section 23, line 4, strike out the period after the word "streets", and insert in lieu thereof a comma and the following: ", the diagram shall be thereon read"

Amendment adopted.

Also:

On pages 19 and 20, Section 23, lines 9 and 10, strike out the comma after the word "assessment", and the words "diagram and certificate, all persons mentioned in Section twenty-six of this Act", and insert in lieu thereof the following: "and certificate, all persons".

Amendment adopted.

Also:

On page 20, Section 23, line 12, strike out the word "diagram", and the comma after the word "assessment".

Amendment adopted.

Also:

On page 21, Section 26, line 2, insert a comma after the word "net."

Amendment adopted.

Also:

On page 22, Section 26, line 44, strike out the word "four", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 24, Section 28, lines 21 and 22, strike out the comma after the word "reassessment", and the words "warrant and diagram", and insert in lieu thereof the following: "and warrant,".

Amendment adopted.

Also:

On page 25, Section 29, line 9, after the word "brought", insert the following: "under this Act".

Amendment adopted.

Also:

On page 29, Section 37, line 8, strike out the word "citizen", and insert in lieu thereof the word "person".

Amendment adopted.

Also:

On page 31, Section 42, line 2, insert after the word "person" the following: "or persons".

Amendment adopted.

Also:

On page 31, Section 42, strike out lines 4, 5, and 6, and to and including the word "more" in line 7, and insert in lieu thereof the following: "of any work authorized by this Act".

Amendment adopted.

Also:

On page 31, Section 42, line 13, strike out the word "of", and insert in lieu hereof the word "to".

Amendment adopted.

Also:

On page 40, Section 59, line 4, after the word "represent", insert the following: "assessments of twenty-five dollars or over for".

Amendment adopted.

Also:

On page 41, Section 60, line 2, strike out the words "ten years from their date", and insert in lieu thereof the following "nine years from the second day of January next succeeding their date".

Amendment adopted.

Also:

On page 41, Section 60, line 20, strike out the first word "or", and insert in lieu thereof the word "of".

Amendment adopted.

Also:

On page 42, Section 63, line 8, strike out the word "said", and insert in lieu thereof the word "this".

Amendment adopted.

Also:

On page 43, Section 63, line 34, immediately after the word "from", insert the following: "the second day of January next succeeding".

Amendment adopted.

Also:

On page 48, Section 75, line 2, strike out the word "thereof", and insert in lieu thereof the word "hereof".

Amendment adopted.

Also:

On page 49, Section 76, line 1, strike out the word "approved", and insert in lieu thereof the word "proved".

Amendment adopted.

Also:

On pages 49, 50, and 51, strike out all of Section 77, lines 1 to 85, inclusive, and insert in lieu thereof the following:

"Sec. 77. Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there is more than one, the said order, unless said city council shall by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like inspection and satisfaction as those ordered to be performed by said order ordering the work; *provided, however,* that the city council may by ordinance require increased depth of concrete between, to the full depth of, or under the ties, or both, where and whenever the city council shall, in its judgment decide that this method of construction is necessary. The city council may also require by ordinance or otherwise, any person or company aforesaid, to pave alongside of and contiguous to its rails with special types of brick or paving blocks. The resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such streets or street to notify in writing the superintendent of streets if such person or company elects to enter upon the direct performance of such work at its own charge and expense; said notice must be delivered to the superintendent of streets within ten days after the first publication of notice of award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement

of said portions of the street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner heretofore provided for the awarding of contracts for improvements excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required by section fifteen of this Act. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor thereupon shall be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as a security for the recovery of such amount, a first lien upon the track and franchises of said railroad, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets heretofore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and based upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to enter upon the direct performance of such work at its own cost and expense, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, shall not be made with diligence, as herein provided, or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit, and prepare before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed, the city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portion thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner heretofore provided for the awarding and execution of contracts where said person or company has not elected to make the improvements under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that heretofore provided for, and shall have the right to collect from said person or company by said the amount specified in said certificate in all respects the same as heretofore provided where the contract is let for such improvement in the first instance. The city council may, by ordinance, prescribe and enforce such additional regulations and penalties as it may deem necessary to compel the improvement as herein provided of any portion or portions of any such street or streets so occupied by any such railroad track or tracks."

Amendment adopted

Also:

On page 52, Section 79, strike out line 25 and line 26, to and including the word "Act", and insert in lieu thereof the following: "by this Act".

Amendment adopted.

Also:

On page 53, Section 79, line 63, strike out the word "tracks", and insert in lieu thereof the word "blocks".

Amendment adopted.

Also:

On page 53, Section 79, line 65, strike out the word "adopt," and insert in lieu thereof the following: "by ordinance or resolution adopt."

Amendment adopted.

Also:

On page 54, Section 79, strike out all of lines 103, 104, 105, and 106, and insert in lieu thereof the following:

"*Thirteenth.* The term "city treasurer" as used in this Act shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality."

Amendment adopted.

Also:

On pages 55 and 56, strike out all of Section 83, lines 1 to 21, inclusive, and insert in lieu thereof the following:

SEC. 83. This Act shall in nowise affect an Act entitled: "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885; or an Act entitled: "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for payment of said bonds," approved February 27, 1893; or an Act entitled: "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law February 26, 1901, or an Act entitled: "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," which became a law April 21, 1909, or amendments to any of said Acts, or any other Acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for making the improvements provided for by this Act; and it shall be in the discretion of the legislative body of any city to proceed under the provisions either of this Act or of such other Acts; but when any proceedings are commenced under this Act, the provisions of this Act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said Acts or any Acts in conflict herewith shall be void and of no effect as to the proceedings commenced under this Act. This Act may be designated and referred to as the "Improvement Act of 1911," and shall take effect and be in force on its passage and approval.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 6, 7, and 8, strike out beginning with the word "all" in line 6, and down to the end of the section, and insert in lieu thereof the following: "The granting of such franchises shall be subject to the provisions of the Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," and any Act or Acts amendatory thereof."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National

Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies." approved March 8, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title and insert in lieu thereof the following:

"An Act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnic School."

Amendment adopted.

Also:

Strike out all of Sections 1, 2, and 3 of the printed bill, and insert in lieu thereof the following:

"SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eight thousand dollars, or so much thereof as may be necessary, to be paid to the order of the Board of Trustees of the California Polytechnic School for the purpose of purchasing dormitory and school furniture for said school."

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated, one thousand dollars shall be available on and after the passage and approval of this Act. Four thousand dollars of the money hereby appropriated shall be available on and after July 1, 1911, and the remaining three thousand dollars shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the

Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200 and 1303a of said Code, all relating to the liens of mechanics and others.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the figures "1186".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "follows:" strike out all the rest of the printed bill, and insert in lieu thereof the following:

"1183. Mechanics, materialmen, contractors, sub-contractors, artisans, architects, machinists, builders, miners, teamsters, and draymen, and all persons and laborers of every class performing labor upon, or bestowing skill or other necessary services or furnishing materials to be used or consumed in or furnishing appliances, team and power contributing to the construction, alteration, addition to or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished and for the value of the use of such appliances, teams or power, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise; and every contractor, sub-contractor, architect, builder or other person having charge of the construction, alteration, addition to or repair either in whole or in part of an building, or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this chapter.

Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process or furnishes materials to be used or consumed thereon, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, sub-contractor, superintendent or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under working bond or contract thereon shall be held to be the agent of the owner for the purposes of this chapter.

The liens in this chapter provided for shall be direct liens, and shall in the case of all claimants be limited, as to amount, by the contract price agreed upon between the contractor and the owner; but said several liens shall not in any case exceed in amount the reasonable value of the labor done or material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed; nor in any case, where the claimant was employed by a contractor, or sub-contractor, shall the lien extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made by or with the consent of such owner, nor in any case shall such lien exceed the amount fixed by such contract and all modifications thereof. The original contract, and any modification thereof, shall be recorded in the office of the county recorder of the county, where the property is situated, and if so recorded before the commencement of the work, such recording shall be equivalent to the giving of actual notice by the owner to all persons performing work or furnishing materials thereunder. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem satisfactory.

SEC. 2. Section 1184 of the Code of Civil Procedure is hereby amended to read as follows:

1184. Any of the persons mentioned in the preceding section, except the contractor, may at any time give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, or by leaving it at the latter's

office with some person in charge. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, are not subject to the liens in this chapter provided for, the owner or person who contracted with the contractor, shall withhold from his contractor sufficient money due or that may become due to such contractor to answer such claim and any lien that may be filed therefor including the reasonable cost of any litigation thereunder.

Sec. 3. Section 1185 of the Code of Civil Procedure is hereby amended to read as follows:

1185. The land upon which any building, improvement, well or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, to be determined by the court on rendering judgment, is also subject to the lien, if at the commencement of the work, or of the furnishing of the material for the same, the land belonged to the person who caused said building, improvement, well or structure to be constructed, altered or repaired, but if such person owned less than fee simple estate in such land, then only his interest therein is subject to such lien, except as provided in Section 192 of this Code.

Sec. 4. Section 1187 of the Code of Civil Procedure is hereby amended to read as follows:

1187. Every original contractor, claiming the benefit of this chapter, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, within thirty days after he has ceased to labor or has ceased to furnish materials, or both, or at his option, within thirty days after the completion of the original contract, if any, under which he was employed, must file for record with the county recorder of the county or city and county in which such property or some part thereof is situated a claim of lien containing a statement of his demand after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the price if any agreed upon for the same and when payable, and of the work agreed to be done and when the same was to be done, if agreed upon, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself or of some other person. Any trivial imperfection in the said work, or in the completion of any contract by any lien claimant, or in the construction of any building, improvement or structure, or of the alteration, addition to, or repair thereof, shall not be deemed such a lack of completion as to prevent the filing of any lien; and, in all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter: the occupation or use of a building, improvement, or structure by the owner, or his representative; or the acceptance by said owner or said agent, of said building, improvement, or structure, or cessation from labor for thirty days upon any contract or upon any building, improvement or structure or the alteration, addition to, or repair thereof.

Sec. 5. Section 1190 of the Code of Civil Procedure is hereby amended to read as follows:

1190. No lien provided for in this chapter binds any property for a longer period than ninety days after the same has been filed, unless proceedings be commenced in a proper court within that time to enforce the same; or, if a credit be given, then ninety days after the expiration of such credit; but no lien continues in force for a longer time than one year from the time the work is completed, by any agreement to give credit, and in case such proceedings be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists, shall be equivalent to the cancellation and removal from the record of such lien.

Sec. 6. Section 1192 of the Code of Civil Procedure is hereby amended to read as follows:

1192. Every building or other improvement or work mentioned in any of the preceding sections of this chapter constructed, altered or repaired upon any land with the knowledge of the owner or of any person having or claiming any estate therein, and the work or labor done or materials furnished mentioned in any of said sections with the knowledge of the owner or persons having or claiming any estate in the land, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any estate therein, and such interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this chapter, unless such owner or person having or claiming any estate therein shall, within ten days after he shall have obtained knowledge of such construction, alteration or repair or work or labor, give notice that he will not be responsible for the same by posting a notice in writing to that effect in some conspicuous place upon the property, and shall also, within the same period, file for record a verified copy of said notice in the office of the county recorder of the said county in which said

property or some part thereof is situated. Said notice shall contain a description of the property affected thereby sufficient for identification, with the name, and the nature of the title or interest of the person giving the same, said copy so recorded may be verified by anyone having a knowledge of the facts, on behalf of the owner or person for whose protection the notice is given.

SEC. 7. Section 1193 of the Code of Civil Procedure is hereby amended to read as follows:

1193. Any contractor shall be entitled to recover, upon a lien filed by him, only such amount as may be due to him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished, as aforesaid, and embraced within his contract; and in all cases where a lien shall be filed under this Act for work done or for materials furnished to any contractor, he shall defend any action brought thereon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the lien, the said owner shall be entitled to deduct from any amount due, or to become due by him to the contractor, the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor, or his bondsmen or sureties on any bond given for the faithful performance of his contract, any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable. No act done by such owner in compliance with any of the provisions of this chapter shall be held to be a prevention of the performance of any such contract by the contractor, or to have exonerated the sureties on such or any bond given for faithful performance, or for the payment of liens of persons performing labor or furnishing materials, or both; *provided*, that such act was done in good faith and without design to injure or harass any one.

SEC. 8. Section 1194 of the Code of Civil Procedure is hereby amended to read as follows:

1194. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be docketed against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages.

SEC. 9. Section 1195 of the Code of Civil Procedure is hereby amended to read as follows:

1195. Any number of persons claiming liens may join in the same action as when separate actions are commenced, the court may consolidate them. The court must also allow as a part of the costs, the money paid for verifying and recording the lien, such costs to be allowed to each claimant whose lien is established, whether he be plaintiff or defendant, or whether they all join in one action or separate actions are consolidated.

SEC. 10. Section 1197 of the Code of Civil Procedure is hereby amended to read as follows:

1197. Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover said debt against the person liable therefor; and the person bringing such personal action may take out an attachment therefor, notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by a lien; but the judgment, if an attachment is obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this chapter, *provided, only*, that if money collected on said judgment shall be credited on the amount of such lien, any action brought to enforce the same, in accordance with the provisions of this chapter.

SEC. 11. Section 1202 of the Code of Civil Procedure is hereby amended to read as follows:

1202. Any person who shall wilfully give a false notice of his claim to the owner under the provisions of section one thousand one hundred and eighty-four shall forfeit his lien. Any person who shall wilfully include in his claim filed under section one thousand one hundred and eighty-seven work or materials not performed upon or furnished for the property described in the claims shall forfeit his lien.

SEC. 12. Section 1203 of the Code of Civil Procedure is hereby amended to read as follows:

1203. No mistake or errors in the statement of the demand, or of the amount of credits and offsets allowed or of the balance asserted to be due to claimant, nor the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud; and the court shall find that an innocent third party, without notice, direct or constructive, has since the claim was filed become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

Sec. 43. Sections 1183a, 1200, and 1200a of the Code of Civil Procedure are hereby repealed.

Sec. 44. The provisions of this Act shall be liberally construed with a view to effect its purpose. They are not intended as a re-enactment of the provisions of prior statutes, with the policy and intent remaining the same by the courts of this State, but are intended to secure that policy and the intent of making the laws needed for direct, and independent, and unimpeded and unobstructed commerce, finance and construction, thereby making the policy of this State conform to that of Nevada and other Pacific coast states.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Behan asked for and was granted unanimous consent to take up Senate Constitutional Amendment No. 48 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 48. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 84 of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate constitutional amendment read.

The following amendment was submitted by committee:

On page 2, line 43, after the word "corporations", insert a comma and add the following: "including the superintendent of schools."

Senate constitutional amendment ordered to print, and on file.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Bell, the second-reading file of Senate bills is taken up, out of order.

Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

On motion of Senator Estudillo, Senate Bill No. 304 was temporarily passed on file, to retain its place.

SENATOR STETSON IN THE CHAIR.

At five o'clock p. m., Senator Stetson, of the Fifteenth District, in the chair.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1216—Committee Substitute for —An Act authorizing any city and county, incorporated city or town to require persons, firms or private corporations owning or operating public utilities of the same class therein, to interchange the services furnished thereby. During second reading of the bill, the following committee substitute is submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1216.

Act authorizing cities and counties, incorporated cities and towns to require interchange of service between corporations operating street or interurban railroads therein.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any city and county, or incorporated city or town, is hereby authorized and empowered to require, by ordinance, corporations owning or operating street or interurban railroads in any such city and county, incorporated city or

town, to interchange service in such manner that any passenger on any such street or interurban railroad line shall, upon payment of a single fare, be entitled to a transfer to and passage on any intersecting or connecting street or interurban railroad line for the purpose of a continuous trip between points within any such city and county, or incorporated city or town. No compensation in excess of the fare which could be charged if no such transfer were issued, shall be required or collected for or on account of the issuance of such transfer. Such city and county, incorporated city or town, shall have power to prescribe and enforce such reasonable rules, regulations, terms, conditions and methods of procedure as may be necessary to effect such interchange of service.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California to be numbered section three hundred twenty-seven, relating to gift enterprises.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 948—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

During second reading of the bill, the following amendments were submitted by committee:

In line 1, of title, strike out the figures "4247", and insert in lieu thereof "4241".

Amendment adopted.

Also:

In line 3, of title, before the word "class", strike out the word "eighteenth" and insert in lieu thereof the word "twelfth".

Amendment adopted.

Also:

In line 1, of Section 1, strike out the figures "4247", and insert in lieu thereof "4241".

Amendment adopted.

Also:

In line 3, Section 1, strike out the figures "4247", and insert the figures "4241" in lieu thereof.

Amendment adopted.

Also:

In line 3, of Section 1, strike out the word "eighteenth", and insert in lieu thereof the word "twelfth".

Amendment adopted.

Also:

After the period after the word "class", in line 137, insert the following: "In counties of this class there shall be one probation officer whose salary shall be \$100 per month."

Amendment adopted.

Also:

Strike out all of subdivision 12, on page 2, and insert in lieu thereof the following: "The surveyor shall receive a salary of eighteen hundred dollars per annum and office expenses."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 2, line 8, strike out the word "five", and insert in lieu thereof the following "four".

Also:

On page 3, Section 2, line 9, strike out all of line 9, after the word "shall" and all of lines 10, 11, and 12, and insert in lieu thereof the following: "dividing themselves by lot so that two shall go out of office at the end of one year, and thereafter one shall go out of office at the end of the second year and one at the end of the third year, and one at the end of the fourth year."

Also:

On page 3, Section 3, line 6, beginning with the words "He shall", strike out all of lines 6, 7, 8, 9, 10, 11, ending with the word "salary" in line 12.

Also:

On page 3, Section 3, line 13, strike out the word "proceedings" and insert in lieu thereof the following: "proceedings".

MOTION.

Senator Wolfe moved that the amendments be printed in the Journal, and that Senate Bill No. 1179 retain its place on file.

Motion carried.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 949—An Act to amend Section 870 of the Civil Code, relating to sales, conveyances and mortgages of real estate by trustees.

During second reading of the bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 26, strike out the following: "(30)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1251—An Act to amend an Act entitled "An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor," approved March 3, 1909.

Bill read second time, ordered engrossed, and on file for third reading.

SPECIAL THIRD READING OF SENATE BILLS—OUT OF ORDER.

On motion of Senator Wright, the special third-reading file of Senate bills was taken up, out of order.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California relating to punishment for robbery.

Senate Bill No. 726 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision 7 of Section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an Act approved February 27, 1897, entitled "An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," approved March 20, 1909.

Senate Bill No. 217 was temporarily passed on file, in the absence of the author, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SPECIAL THIRD-READING FILE OF SENATE BILLS—RESUMED.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

On motion of Senator Wright, Senate Bill No. 893 was temporarily passed on file, to retain its place.

Senate Bill No. 442—An Act to provide for a State exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 442 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holohan,

Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—40.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases to the purchasers of state salt marsh and tide lands purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 924 passed by the following vote:

AYES—Senators Roban, Bell, Billie, Bowers, Bryant, Caminetti, Campbell, Cass, Wright, Cassidy, Cassidy, Clark, Green, Hume, Howell, Holden, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Walker, and Wolfe—27.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wright moved that all bills on the special third reading file be restored to the general file in the places they originally occupied.

Motion carried.

THIRD-READING FILE OF APPROPRIATION BILLS—OUT OF ORDER.

On motion of Senator Caminetti, the third-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 155—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Roban, Bell, Billie, Birdsall, Black, Boynton, Caminetti, Campbell, Caraway, Cassidy, Cullen, Escondido, Finn, Gages, H. L. S. Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—30.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Senate Bill No. 1027 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and

the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce; to define the duties of the Department of Engineering and of the Governor in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Holchan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND-READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER)

On motion of Senator Gates, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 450—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of the title of the printed bill, and insert in lieu thereof the following:

"An Act to provide for the repair of the hospital buildings at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor."

Amendment adopted.

Also:

Strike out all after the numeral "1" in line 1, Section 1, of the printed bill, and insert in lieu thereof the following:

"The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the Regents of the University of California, to be by them expended as follows: For the repair of the hospital buildings for the Los Angeles department of the college of medicine of the University of California, and for the construction of an addition to the same, on the property held by the Regents of the University of California, and situated on North Broadway and Castelar street, between Ord and Alpine streets, in the city of Los Angeles, county of Los Angeles, State of California, and purchasing such equipment, apparatus, furnishings and supplies as are necessary for the operation of the same, and for the expense incurred in the moving, changing and improving of the buildings at present located on said property."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR WRIGHT IN THE CHAIR.

At five o'clock and twenty minutes P. M., Senator Wright of the Fortieth District, in the chair.

MESSAGES FROM THE ASSEMBLY—[OUT OF ORDER.]

On motion of Senator Bills, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 267—An Act to amend Section 456 of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

Also: Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By FRED G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 267?"

In line 1, of the title of the bill, strike out the word "repeal", and insert in lieu thereof the word "amend."

Also: In Section 1, page 1, line 2, of the printed bill, strike out the word "repealed", and insert in lieu thereof the following: "amended to read as follows."

Also: On page 1, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following:

"Sec. 2. Sec. 456. Corporations organized under the laws of any other state or country to transact the business of mutual assessment insurance must, as a condition precedent to transacting business in this State, comply with the provisions of Sections 405 and 408 of this Code, and deposit with the Insurance Commissioner of this State a certified copy of its charter or other instrument received by its home authorities; a statement under oath, of its president or secretary, of its business for the preceding year, in such form as may be required by the Insurance Commissioner of this State; an appointment of a general agent, service upon whom binds the corporation; a certificate that for the next preceding twelve months it has paid in full the maximum amount provided in its contract of insurance; a certificate from the proper officer of the state or government that like corporations of this State are legally entitled to do business in such state or country; copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fixed premiums; and evidence satisfactory to the Insurance Commissioner, that the corporation has accumulated a fund equal to that required of like corporations in this State, constituting a reserve or surplus fund, held in trust for the benefit of contract holders, and so invested and held as required by the laws of the state or government under which such corporation was organized. The Insurance Commissioner must thereupon issue a license to such corporation, to do business in this State. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true.

Upon such revocation, notice thereof must be given by the Insurance Commissioner by publication in some newspaper published in the city and county of San Francisco, for two weeks, daily, and no new contract must be made by such company in this State.

When any other state or country imposes any additional license, fees, taxes or penalties upon any corporation organized or doing business under this chapter, like license, fees, taxes or penalties are imposed upon corporations of the same kind and their agents of such state or country doing business in this State.

No life, health, accident and annuity or endowment insurance corporation, company or association organized under the laws of the State of California which issues contracts, the performance of which is contingent upon the payment of assessments or calls made upon its members, shall hereafter be authorized to do business within this State, except such companies or associations as are now authorized to do business within this State, and all assessment life insurance corporations, companies or associations now doing business in this State, or hereafter organized under the laws

of the State, and upon their respective rights in inheritance of real property, as a civil institution, have, perhaps, resulted in the removal of property of this kind from public ownership to the State of New York, and, hence, that the Act could not have its intended operation in this respect."

The roll was called and the Senate answered by the above Assembly members to Senate Bill No. 267 by the following vote:

Wells, and Walker. 27

1. *Journal of the Royal Society of Medicine*, 1917, 10, 257.

The results were used to develop a model for the following activity components in a 1000 ft. x 100 ft. area:

The lower 2, 3, and 40 cm represented 80%, 85%, and 90% "flow" and legend is the same as in Figure 1. Values of the maximum velocity of flow predicted by the equations, usually as reported in theory as is assumed by the authors of most papers, have not been used. (See Table 1.)

As the Commission's report is being prepared, it is worth noting the several up and down trends in the U.S. economy. The Commission's report will also reflect other factors in the economy that are the result of the recession.

1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 26

1. strike out the word "thirty-one".

with the following: Subject to the consent and approval of the organization, society

the conditions, we used previous data from patients to estimate all subjects and individuals.

The bill was read, and the Senate concurred in the above Assembly amendments to Senate Bill No. 272 by the following vote:

[illegible]

Page 101, No. 273 corrected to read:

Assembly enactments to date 1841-1847

The same is true of the increased risk which has accumulated after the period following the 1960-71 war, and even in the period the following

As in the case 2, the \mathcal{H}_2 of the extended system is the same as the one of the

The roll was called, and the Members answered in the above Assembly.

Yeas—Messrs. Baker, Bell, Bliss, Bunn, Burdick, Bryant, Cameron, Campbell, Chandler, Cressie, Curtis, Eaton, Evans, Fox, Hendon, Hunt, Lusk, Lusk, McPherson, Miller, Morrill, Platteau, Ransom, Sawyer, Smith, Tamm, Thayer, Tilden, Tilton, Tracy, Van Dusen, Wall, Wells, and Wright.

.....

MURDER FROM 1900 TO 1905. MURDER.

ASSIGNED TO THE SECRETARY, March 13, 1912.

The President has directed to whom your memorial body that the Assembly
of the Senate, Assembly B. No. 750. An Amendment Section 3451 of the
State of California.

Also: Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 239a, relating to gambling by the use of slot machines, or card dice, or other dice having more than six faces or bases each.

Also: Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries and fees of officers in counties of the twenty-first class.

Also: Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

Also: Assembly Bill No. 1287—An Act to authorize the State of California, to convey to the county of Sacramento the following described real property, to-wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property donated to the board of supervisors of Sacramento County by James Lanning, on April 8, 1869, and recorded in Book 53 of Deeds, page 632, on file in the office of the county recorder of Sacramento County.

Also: Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Also: Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under eighteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Also: Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Also: Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Also: Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justice's court may be situated.

Also: Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Also: Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Also: Assembly Bill No. 509—An Act to amend Section number 59 of the Civil Code, relating to marriages which are incestuous and void.

Also: Assembly Bill No. 828—An Act to amend Section 3493m of the Political Code, relating to land uncovered by the recession of drainage of the waters of inland lakes.

Also: Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 790, 870, 1557, 1469, 1287, 1288, 1290, 1560, 142, 1404, 1085, 1083, 509, 828, and 626 read first time.

Assembly Bills Nos. 790, 1287, 142, 1404, and 509 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 870 and 1290 ordered referred to Committee on Public Morals.

Assembly Bills Nos. 1557, 1560, and 1083 ordered referred to Committee on County Government.

Assembly Bill No. 1469 ordered referred to Committee on Corporations.

Assembly Bills Nos. 1288, 1085, and 626 ordered referred to Committee on Finance.

Assembly Bill No. 828 ordered referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection

of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis U. Hoin against the State of California.

Also Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Also Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Also Senate Bill No. 1127—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Also Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music and advertising purposes.

Also Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Also Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Also Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Also Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Also Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Also Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1119, 557, 775, 1114, 15, 117, 521, 235, 1127, 552, 44, 1118, 1117, 1116, 1115, 1113, 1121, and 1120 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hare asked for, and was granted, unanimous consent to take up Senate Bill No. 726 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

On page 1, Section 1, line 4, strike out all of said section after the word "prison", and insert in lieu thereof the following: "at the option of the jury trying the case. In case the jury shall, by its verdict, award the punishment at death, the court shall appoint a date for execution as provided for in Section 1217 of this Code. In case the jury shall, by its verdict, award the punishment at imprisonment in the state prison, the court shall sentence such person to a term in the state prison not less than one year. Upon a plea of guilty of robbery the court shall award the punishment and determine whether the guilty person shall suffer death or imprisonment in the state prison and pronounce sentence thereon as in this section provided."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 726, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 217 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision 7 of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled, 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Strike out of Section 1, page 2, all after the word "fund", on line 9, to and including the last word on line 20, of Section 1, and insert in lieu thereof the following: "for the sixty-third fiscal year shall be equal to but not more than seven per cent in excess of the amount received by the University under the provisions of

chapter three hundred and twenty-nine of the statutes of nineteen hundred and nine for the fiscal year ending June thirtieth in the year one thousand nine hundred and eleven; and provided further, that such fund for each of the sixty-fourth, sixty-fifth and sixty-sixth fiscal years shall be equal to but not more than seven per cent in excess of the".

Also: Strike out all of Section 2 of said bill.

Also: In Section 3, line 8, page 2, of printed bill, strike out the word "an", and insert in lieu thereof the word "the".

Also: On page 3, Section 3, strike out all of lines 9, 10, 11, 12, and 13, and insert in lieu thereof the words "of money provided for under the provisions of this Act".

Also: In Section 3, page 3, line 13, strike out the words "section two of".

Renumber Section 3 to read Section 2.

Renumber Section 4 to read Section 3.

Renumber Section 5 to read Section 4.

Renumber Section 6 to read Section 5.

Renumber Section 7 to read Section 6.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 217, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 217.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new buildings," approved March 4, 1907, and making an appropriation of one hundred and fifty thousand dollars for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Also: Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 137 and 197 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Also: Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Also: Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and to appropriate money therefor.

Also Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions thereof.

Also Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

Also Assembly Bill No. 79—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville, Napa County, California.

Also Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Also Assembly Bill No. 386—An Act to provide for the completion of septic tank and relaying of mains and laterals leading thereto and therefrom, at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Also Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment and making an appropriation therefor.

Also Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, in Nevada County, State of California, and providing for the payment thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 641, 1058, 1153, 1154, 1345, 1546, 76, 86, 92, 94, 172, 386, 768, 769, 771, 767, 988, and 1540 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT. Your Committee on Finance, to whom was referred Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Also Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Assembly Bills Nos. 79, 81, and 82 ordered on file for second reading

PETITION.

Senator Stetson presented the following petition, which was ordered printed in the Journal:

OAKLAND, CAL., February 20, 1911.

To the Senate and Assembly of the Legislature of the State of California:

We, the executive committee of the Oakland Board of Fire Underwriters, do hereby protest against the passage of Senate Constitutional Amendment No. 15, or any measure designed to bring about the annexation of Oakland or any part of Alameda County to the city and county of San Francisco, believing the same to be distinctly and positively detrimental to the progress and commercial development of Alameda County.

Respectfully,

H. E. WOODMAN, and 10,000 others.

WITHDRAWAL OF RESOLUTION.

Senator Tyrrell asked for, and was granted, unanimous consent to withdraw the following resolution, which was offered March 13, 1911:

WHEREAS, The Charter Day exercises of the University of California are to be held on Thursday, March 23d, in the Greek Theatre, at Berkeley; and

WHEREAS, That distinguished citizen of the United States, Honorable Theodore Roosevelt, is to attend and deliver the Charter Day address; and

WHEREAS, It is extremely doubtful whether this Legislature will continue in session until such a time as Honorable Theodore Roosevelt might be able to reach Sacramento in time to address the Legislature; therefore be it

Resolved, That the President of the Senate be and he is hereby requested to appoint a committee of five Senators to attend said Charter Day exercises in honor of ex-President Roosevelt, and they are hereby requested, in conjunction with any similar committee which may be appointed by the Assembly, to invite him to address the Legislature of the State of California if said Legislature is in session at such time as he may be able to visit Sacramento; and be it further

Resolved, That the Senators so appointed in accordance with this resolution be and they are hereby excused from the session of the Senate on Thursday, March 23d.

Resolution withdrawn.

ADJOURNMENT.

At five o'clock and forty minutes P. M., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 15, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Gates, Hans, Hare, Hewitt, Holahan, Hurd, Judford, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.

Quorum present.

PRAYER

Prayer by the Rev. Father James P. Towey, of San Francisco.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 14, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss Hattie Burnett, of Virginia City, Nevada, and Miss Gertrude Burnett, of San Francisco.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. M. Payne, of San Luis Obispo.

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Geo. Merritt, of San Francisco.

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Prof. Allison Ware, of Chico.

On request of Senator Roseberry, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Thos. M. George, of Santa Barbara.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

SPECIAL ORDERS SET.

Senator Burnett moved that the consideration of Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies—be made a special order for Thursday, March 16, 1911, at eleven o'clock A. M.

Motion carried.

Also:

Senator Burnett moved that the consideration of Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California creating a railroad commission and defining its powers and duties—be made a special order for Thursday, March 16, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

Also:

Senator Burnett moved that the consideration of Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—be made a special order for Thursday, March 16, 1911, immediately after the special orders heretofore set.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 515—An Act to repeal Article XVIII of Chapter III of Title I of Part III of the Political Code, relating to the powers and duties of the Board of Examiners and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof, providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain state funds; the creation and payment of deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act—have had the same under consideration, and respectfully report the same back with a committee substitute, and recommend that the committee substitute do pass.

STETSON, Chairman.

Assembly Bill No. 515 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 682 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1256—An Act to authorize certain cities and counties and

counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spans therealong, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purpose—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

WELCH, Chairman.

Senate Bill No. 1256 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article nine of the Constitution of said State, relating to the election and salary of superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STORRIDGE, Chairman.

Assembly Constitutional Amendment No. 34 ordered on file.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1085 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Roynton, Bryant, Burnett, Campbell, Clinton, Gates, Holohan, Hurd, Juddard, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Storrbridge, Tyrrell, Walker, and Wolfe. 22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Senator Caminetti, Committee Substitute for Senate Constitutional Amendment No. 5 was temporarily passed on file, to retain its place.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Senate Bill No. 893 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Senate Constitutional Amendment No. 14 was temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 32.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

The Legislature of the State of California, at its regular session commencing the 2d of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

Article XX is hereby amended by adding a new section to be numbered Section 21 and to read as follows:

Section 21. The Legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The Legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either, any or all of these agencies, anything in this Constitution to the contrary notwithstanding.

Senate constitutional amendment read on a previous day.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 32 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Gates, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wolfe—27.

NOES—None.

Senate Constitutional Amendment No. 32 ordered engrossed, and transmitted to the Assembly.

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

The following amendment was submitted by committee:

On page 2, line 21, beginning with the words "to keep", strike out all of the printed matter down to and including the words "the law", in line 24.

Amendment adopted.

Senate joint resolution read, ordered to print, and on file.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain

assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1211 passed by the following vote:

AYES—Senators Avery, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Campbell, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Wolfe and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESENTATION OF BILLS, ETC.

Senator Wright offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 1242—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056*b*, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

On motion of Senator Holohan, Senate Bill No. 1242 was passed, to be placed at the foot of the file.

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

On motion of Senator Hurd, Senate Bill No. 533 was temporarily passed on file, to retain its place.

Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Senators Avery, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Estudillo, Gates, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1137 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Estudillo, Hewitt, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1132 (Committee Substitute for)—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19 1889, and to add a new section thereto to be designated as Section 1½

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1132 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Estudillo, Hare, Hewitt, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1133 (Committee Substitute for)—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1133 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Estudillo, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tyrrell, Walker, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Larkins moved a call of the Senate.

Motion carried.

Time, eleven o'clock and ten minutes A. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and seventeen minutes A. M., Senators Cullen and Hewitt were brought to the bar of the Senate, and, on motion of Senator Hurd, they were excused for absence from the Senate Chamber.

MOTION.

At eleven o'clock and thirty five minutes A. M., Senator Curtin moved that further proceedings under the call of the Senate be dispensed with.

Motion seconded.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Larkins.

The roll of absentees was called, and Senate Bill No. 1046 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Caminetti, Cullen, Gates, Hare, Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—Senators Bills, Black, Burnett, Campbell, Curtin, Estudillo, Hans, Martinelli, Sanford, Stetson, Strobridge, and Welch—12.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36, the same was taken up for consideration.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

SPECIAL ORDER SET.

Senator Boynton moved that the consideration of Senate Constitutional Amendment No. 36 be made a special order for Friday, March 17, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35, the same was taken up for consideration.

Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 35 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1106, the same was taken up for consideration.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Assembly Bill No. 1106 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 33, the same was taken up for consideration.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article VI thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior

courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of Assembly Constitutional Amendment No. 33 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 934, the same was taken up for consideration.

Senate Bill No. 934—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

On motion of Senator Boynton, Senate Bill No. 934 was passed to be placed on the file as unfinished business.

THIRD READING OF SENATE BILLS—RESUMED

Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion duly seconded.

The question being on the call of the Senate.

The roll call was demanded by Senators Campbell, Rush, and Wolfe, and the call of the Senate ordered by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Holohan, Hurd, Juilliard, Regan, Roseberry, Sanford, Tyrrell, and Wolfe—16.
NOES—None.

Time eleven o'clock and fifty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Wolfe, and Wright—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock M., Senators Welch and Avey were brought to the bar of the Senate, and, on motion of Senator Gates, they were excused for absence from the Senate Chamber.

At twelve o'clock and five minutes P. M., Senators Hewitt, Hans, and Burnett were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

At twelve o'clock and six minutes P. M., Senator Estudillo was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

The roll of absentees was called, and Senate Bill No. 533 was refused passage by the following vote:

AYES—Senators Black, Cassidy, Finn, Gates, Hans, Holohan, Juilliard, Larkins, Martinelli, Rush, and Walker—11.

NOES—Senators Avey, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cutton, Estudillo, Hurd, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Tyrrell, Welch, and Wright—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Hurd gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 533 was this day refused passage.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and fourteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment, to whom was referred Committee Substitute for Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Also: Committee Substitute for Senate Bill No. 689—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Have had the same under consideration, and respectfully report that Committee Substitute for Assembly Bill No. 927 is not identical with Committee Substitute for Senate Bill No. 689, and recommend that Committee Substitute for Senate Bill No. 689 be not withdrawn.

CASSIDY, Chairman.

Committee Substitute for Assembly Bill No. 927 ordered referred to the Committee on Education.

Committee Substitute for Senate Bill No. 689 ordered to engrossment.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California, to be numbered section three hundred twenty-seven, relating to gift enterprises.

Also: Senate Bill No. 1251—An Act to amend an Act entitled "An Act authorizing municipal corporations other than freeholder charter cities to change their names, and providing the procedure therefor," approved March 3, 1909.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1066 and 1251 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the State prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 657 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 303 ordered on file for third reading.

REPORT OF SPECIAL COMMITTEE—OUT OF ORDER.

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1284, by Senator Wright, entitled "An Act providing relief for counties in certain cases of misappropriation of school funds."

Senate Bill No. 1285, by Senator Cullen, entitled "An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and that the authors be permitted to introduce said bills.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Thompson:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce said bills recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Stronbridge, Walker, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Wright: Senate Bill No. 1284—An Act providing relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school money of such counties have been misappropriated.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Bill No. 1284.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Cutten: Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Cutten, the Secretary was directed to issue a rush order for printing Senate Bill No. 1285.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 4307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Also, Assembly Bill No. 758. An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GATES, Chairman.

Senate Bills Nos. 1307 and 758 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 519. An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

GATES, Chairman.

Assembly Bill No. 519 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1281. An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GATES, Chairman.

Senate Bill No. 1281 ordered on file for second reading.

PRESENTATION OF BILL.

Senator Tyrrell offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)—RESUMED.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 568. An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 568 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 720. An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 720 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 549. An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Assembly Bills Nos. 549 and 550 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 2—An Act to amend Section 671 of the Civil Code to restrict the ownership of real estate.

Also: Senate Bill No. 24—An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens.

Also: Senate Bill No. 167—An Act to amend Sections 360 and 671 of the Civil Code, relating to ownership of real property.

Also: Senate Bill No. 1074—An Act to regulate the ownership or possession of lands by aliens.

Have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that the committee substitute do not pass.

STETSON, Chairman.

Senate Bills Nos. 2, 24, 167, and 1074 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

STETSON, Chairman.

Assembly Constitutional Amendment No. 35 ordered on file.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Also: Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LARKINS, Chairman.

Assembly Bills Nos. 1030 and 558 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Finance.

LARKINS, Chairman.

Assembly Bill No. 795 ordered re-referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Bell, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 6: Relating to the acquisition by the United States of the Calaveras Big Trees.

Also: Senate Concurrent Resolution No. 12: Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk

Senate Joint Resolution No. 6 and Senate Concurrent Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1041: An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Also: Senate Bill No. 1041—An Act adding a new section to the Penal Code, to be known and numbered as Section 397, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Also: Senate Bill No. 1086: An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 525: An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 156: An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers and boys' dining room at the Preston School of Industry.

Also: Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes thereon, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 524: An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis and appropriating money therefor.

Also: Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Senate Bill No. 983—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes.

mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1031, 1041, 1086, 1088, 1125, 1248, 525, 156, 454, 523, 524, 894, and 986 ordered to enrollment.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended fifteen minutes.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Also: Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Also: Assembly Bill No. 454—An Act to amend section three hundred and ninety-seven b of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Also: Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Also: Committee Substitute for Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto, to be known as Section 10.

Also: Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Also: Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pounds so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Also: Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640, and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Also: Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor, approved March 11, 1907.

Also: Assembly Bill No. 252—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape.

Also: Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 361—An Act fixing the salaries of the judges of the superior court of the State of California, in and for the county of Kern, and providing for the payment thereof.

Also: Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Also: Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four a of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Also: Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

Also: Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Also: Assembly Bill No. 1214. An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Also: Assembly Bill No. 1215. An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution," approved April 15, 1880.

Also: Assembly Bill No. 1216. An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Also: Assembly Bill No. 1217. An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Also: Assembly Bill No. 42. An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

Also: Assembly Bill No. 885. An Act to amend Sections 2, 3, 13, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

Also: Assembly Bill No. 968. An Act to amend Section 546 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Committee Substitute for Assembly Bill No. 998. An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego, in furtherance of navigation and commerce, and the fisheries, and providing for the government, management and control thereof.

Also: Assembly Bill No. 1034. An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty-three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Also: Assembly Bill No. 1121. An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure, to be known as and numbered Section 337*a*, both relating to the time of the commencement of actions other than for the recovery of real property.

Also: Assembly Bill No. 1209. An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Also: Assembly Bill No. 1218. An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley, and the Mariposa Big Tree Grove," approved April 15, 1880.

Also: Assembly Bill No. 1219. An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April 3, 1876.

Also: Assembly Bill No. 1220. An Act to repeal an Act entitled "An Act to regulate and govern the state prisons of California," approved March 19, 1889.

Also: Assembly Bill No. 1221. An Act to repeal an Act entitled "An Act to authorize the justices of the Supreme Court to appoint a librarian for said court, and fixing a salary," approved March 11, 1893.

Also: Assembly Bill No. 1222. An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor," approved April 23, 1880.

Also: Assembly Bill No. 1223. An Act to repeal an Act entitled "An Act in relation to the currency of the United States," approved March 12, 1880.

Also: Assembly Bill No. 1227. An Act to repeal an Act entitled "An Act to abolish attorney's fees and other charges in foreclosure suits," approved March 27, 1874.

Also: Assembly Bill No. 1375. An Act to create a reclamation district to be called "Reclamation District Number 831", and providing for the control and management thereof.

Also: Assembly Bill No. 489. An Act to amend Section 679 of the Penal Code of California, and to add a new section to the Penal Code of California to be numbered 680*a*, and to protect workmen.

Also: Assembly Bill No. 1472. An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 1474. An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Also: Assembly Bill No. 1553. An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of

counties of the twenty-seventh class their clerks, deputies, stenographers and assistants.

Also: Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Also: Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Also: Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 445, 447, 454, 540, Committee Substitute for Assembly Bill No. 649, Assembly Bills Nos. 744, 1211, 368, 69, 252, 281, 361, 367, 441, 442, 1212, 1214, 1215, 1216, 1217, 42, 885, 968, Committee Substitute for Assembly Bill No. 998, Assembly Bills Nos. 1034, 1121, 1209, 1218, 1219, 1220, 1221, 1222, 1223, 1227, 1375, 489, 1472, 1474, 1553, 1555, 1556, and 1558 read first time.

Assembly Bills Nos. 744, 649, 447, 445, 441, 361, 252, 442, 1212, 1215, 998, 1121, 1209, 1558, 1218, 1219, 1220, 1221, 1222, 1223, and 1227 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 540, 281, 1216, and 42 ordered referred to Committee on Finance.

Assembly Bill No. 454 ordered referred to Committee on Public Morals.

Assembly Bill No. 1211 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bills Nos. 368, 367, and 1034 ordered referred to Committee on Education.

Assembly Bills Nos. 69 and 885 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 1214 and 1217 ordered referred to Committee on Military Affairs.

Assembly Bill No. 968 ordered referred to Committee on Corporations.

Assembly Bills Nos. 1472, 1474, and 1375 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 1553, 1555, and 1556 ordered referred to Committee on County Government.

Assembly Bill No. 489 ordered referred to Committee on Labor, Capital, and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 773?"

On page 5, Section 18, strike out all after the word "effect", and insert in lieu thereof the following: "on October 1, 1911".

Also: On page 3, Section 6, line 3, strike out all of Section 6, after the word "than", and insert in lieu thereof the following: "18 inches wider and 18 inches longer than the bed, bunk, cot, or other sleeping place on which they are used."

On motion of Senator Bell, consideration of the above Assembly amendments to Senate Bill No. 773 was temporarily passed, in the absence of Senator Hare.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 191—An Act providing for the removal of human remains from cemeteries in any city or city and county in this State, and repealing all Acts in conflict therewith.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Also: Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Also: Senate Bill No. 498—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half.

And respectfully ask that the amendments be concurred in.

L. B. MALLOY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 191?"

Strike out all of Section 2, and in lieu thereof insert the following:

"SEC. 2. Any person claiming ownership of any cemetery lot may file in the office of the county recorder, in which such cemetery is situated, a verified statement describing the lot so claimed by him, together with a statement of his name and of the place at which the notice referred to in section three of this Act may be served upon him. No fee shall be charged by the county recorder for filing such statement.

SEC. 3. In the rules and regulations provided for in section one of this Act, it shall, among the other matters therein set forth, be provided, that no human remains shall be exhumed, taken up, or removed from any such cemetery unless notice of the intended action shall have been given to the person claiming ownership of the cemetery lot in which said human remains are interred, by serving such notice upon him personally in the same manner as summons in a civil action is served.

SEC. 4. If no person has filed the statement provided for in Section 2 of this Act, or if the person who has filed such statement can not be found at the place thereon designated by him, or if said notice is served, and the person so notified does not within thirty days, after the serving of said notice, complete the removal of said human remains, the persons in charge of said cemetery may without cost to the owner of said lot, remove said human remains and reinter the same in a careful and respectful manner, at a place to be designated in the rules and regulations aforesaid, and the remains of no more than one person shall be interred in one grave, and a headboard shall be placed on said grave.

SEC. 5. Immediately after said remains are so interred, the person causing the same to be done shall file in the office of the coroner of said city and county, or of the county, in which said city is situated, a statement of the name of the person whose remains are so removed, together with all other data available concerning said remains, and also a description of the place where said remains are reinterred.

SEC. 6. Nothing herein contained shall authorize the taking of private property without due compensation first made.

SEC. 7. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 191 by the following vote:

AYES—Senators Avey, Roban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutten, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wright—28.

NOES—None.

Senate Bill No. 191 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 498?"

On page 1 of the title, line 2, after the word "Act", insert the words "entitled an Act".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 498 by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutton, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wright—27.

NOES—None.

Senate Bill No. 498 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 402?"

On page 2, Section 1, line 29, strike out "John W.", and insert in lieu thereof "Juliet W."

Also: On page 2, Section 2, line 1, of the printed bill, strike out "nine hundred and fifty dollars (\$950)", and insert in lieu thereof "four hundred and seventy-five dollars (\$475)".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 402 by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Cutton, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Walker, and Wright—27.

NOES—None.

Senate Bill No. 402 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 418?"

On page 2, Section 1, line 22, of the printed bill, strike out the word "State".

Also: On page 2, Section 1, line 22, of the printed bill, after the word "treasury", add the following words: "of the county in which such bank is situated."

Also: On page 2, Section 1, line 23, of the printed bill, strike out the words "State School Land Fund", and insert in lieu thereof the words "treasury of said county".

Also: On page 2, Section 1, lines 24 and 25, of the printed bill, strike out the words "State Controller", and insert in lieu thereof the words "county treasurer of said county".

Also: On page 2, Section 1, line 26, of the printed bill, strike out the word "which" at the beginning of the line, and insert in lieu thereof the word "whom".

Also: On page 2, Section 1, lines 26 and 27, of the printed bill, strike out the words "to which such persons are entitled," and insert in lieu thereof the words "who are entitled thereto."

Also: On page 2, Section 1, line 29, of the printed bill, strike out the words "and three".

Also: On page 2, Section 1, line 32, of the printed bill, strike out the period at the end of the line, and add the following words: "and all moneys referred to in subdivision three of this section shall be paid out on the order of the court appointing such receiver."

Also: On page 2, Section 1, line 33, of the printed bill, strike out the words "into the said fund," and insert in lieu thereof the words "under subdivisions two and three of this section."

Also: On page 2, Section 1, line 35, of the printed bill, strike out the comma after the word "State", and insert in lieu thereof a period, and after the period add the following words: "All moneys held by any county treasurer under subdivision three of this section, when such moneys have escheated to the State as hereinbefore provided, shall be paid by the county treasurer into the state treasury."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 418 by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Boynton, Campbell, Cassidy, Cutton, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Walker, and Wright—22.

NOES—None.

Senate Bill No. 418 ordered to enrollment.

TIME OF RECESS EXTENDED.

At twelve o'clock and forty five minutes P. M., on motion of Senator Birdsall, the hour of recess was extended five minutes.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Hewitt asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Constitutional Amendment No. 5 for consideration, out of order, for the purpose of amendment.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The following amendment was offered by Senator Hewitt:

On pages 9 and 10 of the proposed constitutional amendment, strike out all of lines 135 to 145 both inclusive, and insert in lieu thereof the following: "As herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties."

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Hewitt, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Constitutional Amendment No. 5.

RECESS.

At twelve o'clock and fifty minutes P. M., the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of

taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Estudillo, Gates, Holohan, Hurd, Juilliard, Lewis, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

On motion of Senator Curtin, Assembly Bill No. 365 was passed, to be placed at the foot of the file.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

On motion of Senator Strobbridge, Assembly Bill No. 541 was temporarily passed on file, to retain its place.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

On motion of Senator Curtin, Assembly Bill No. 70 was temporarily passed on file, to retain its place.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

On motion of Senator Boynton, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum, and recall, by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 100, finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, and Walker—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 146 finally passed by the following vote:

AYES—Senators Avey, Regan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 405 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Read third time.

On motion of Senator Bills, Assembly Bill No. 162 was temporarily passed on file, to retain its place.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1019 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 393 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Bryant, Burnett, Caminetti, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1314 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 292 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1452 finally passed by the following vote:

AYES—Senators Avey, Bell, Bolls, Bredsdall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Estudillo, Funn, Gates, Hare, Holahan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE.

Senator Estudillo moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Read third time.

On motion of Senator Stetson, Assembly Bill No. 1328 was temporarily passed on file, to retain its place.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 finally passed by the following vote:

AYES—Senators Bell, Bolls, Bredsdall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Gates, Hare, Hewitt, Holahan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Free Conference, concerning Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—report that we have met a like committee of the Assembly consisting of Assemblymen Randall, Cronin, and Rosendale, and we further report that such Free Conference Committee has agreed upon and adopted the following amendments, and we suggest and recommend that the same be adopted.

(N. B. The words "printed bill", as used in these amendments, mean the bill as printed after being amended in Senate February 11, 1911, and not the bill as printed at later dates.)

AMENDMENT NO. 1.

On page 1, of the printed bill, Section 1, line 2, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 2.

On page 2, of the printed bill, Section 1, line 5, insert between the words "for" and "Governor", the words "all candidates for".

AMENDMENT No. 3.

On page 2, of the printed bill, Section 1, line 7, after the word "trustees", strike out the comma and the words "board of supervisors".

AMENDMENT No. 4.

On page 2, of the printed bill, Section 1, line 8, strike out the comma after the word "city", and insert in lieu thereof the word "or".

AMENDMENT No. 5.

On page 2, of the printed bill, Section 1, line 8, insert between the words "or" and "county", the following words: "the board of supervisors of the".

AMENDMENT No. 6.

On page 2, of the printed bill, Section 1, line 8, insert between the word "county" and the comma following it the words, "in which such supervisory district is situated".

AMENDMENT No. 7.

On page 2, of the printed bill, Section 1, line 9, strike out the words "and determine", and insert in lieu thereof the words "the question", followed by a comma (,).

AMENDMENT No. 8.

On page 2, of the printed bill, Section 1, line 10, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 9.

On page 2, of the printed bill, Section 1, line 11, strike out the word "therein".

AMENDMENT No. 10.

On page 2, of the printed bill, Section 2, line 10, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 11.

On page 2, of the printed bill, Section 2, line 10, strike out the word "therein".

AMENDMENT No. 12.

On page 2, of the printed bill, Section 2, line 13, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 13.

On page 2, of the printed bill, Section 2, line 14, strike out the word "therein".

AMENDMENT No. 14.

On page 2, of the printed bill, Section 2, line 17, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 15.

On page 2, of the printed bill, Section 2, line 17, strike out the word "therein".

AMENDMENT No. 16.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 17.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "therein".

AMENDMENT No. 18.

On page 5, of the printed bill, Section 11, line 1, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 19.

On page 5, of the printed bill, Section 11, line 2, strike out the word "therein".

AMENDMENT No. 20.

On page 5, of the printed bill, Section 12, line 3, insert between the word "pharmacists" and the comma following it, the words "and to manufacturers of such liquors".

AMENDMENT No. 21.

On page 6, of the printed bill, Section 12, line 4, insert between the word "pharmacists" and the comma following it, the words "and manufacturers".

AMENDMENT No. 22.

On page 6, of the printed bill, Section 16, line 9, strike out the period after the word "resort", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 23.

On page 7, of the printed bill, Section 16, line 21, strike out the period after the word "dispensed", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 24.

On page 7, of the printed bill, Section 16, lines 27 and 36, strike out the period after the word "inspection" in each line, and insert in lieu thereof a semicolon (;).

AMENDMENT No. 25.

On page 7, of the printed bill, Section 16, line 38, strike out the period after the word "organization", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 26.

On page 7, of the printed bill, Section 16, strike out all of lines 39 to 44 inclusive, and insert in lieu thereof the following:

"6th. The keeping of alcoholic liquors in cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for said liquors, and the shipping of the same therefrom, *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory."

AMENDMENT No. 27.

On page 8, of the printed bill, Section 16, line 52, strike out "(a) to other manufacture", also strike out all of lines 53 to 59 inclusive, and insert in lieu thereof the following: "(a) to a common carrier for shipment to a place outside of said no-license territory, (b) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors, (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the 6th paragraph of this section, (d) to any person at his or her permanent residence, (e) to registered pharmacists at their places of business."

ESTUDILLO,

THOMPSON,

Senate Committee on Free Conference.

RANDALL,

CRONIN,

Assembly Committee on Free Conference.

We do not concur:

STETSON,

ROSENDALE.

SPECIAL ORDER SET.

Senator Estudillo moved that the further consideration of report of the Committee on Free Conference be made a special order for Thursday, March 16, 1911, immediately after the reading of the Journal.
Motion carried.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 821 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1470 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hans, Hewitt, Holohan, Hurd, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof relating to the issuing of passes to public officials.

The Legislature of the State of California at its thirty-ninth regular session, commencing on the second day of January, nineteen hundred eleven, two thirds of all the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes that section nineteen of article twelve of the Constitution of the State of California be amended to read as follows:

Section 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust or profit in this State, except to the members of the Railroad Commission of this State and officers and employees of said commission and to peace officers, and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner or any of the officers or employees of the Railroad Commission or peace officers shall work a forfeiture of his office.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Assembly Constitutional Amendment No. 28 ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1078 finally passed by the following vote:

AYES—Senators Behan, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Fink, Gates, Hale, Holahan, Hurd, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1079 finally passed by the following vote:

AYES—Senators Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hans, Hale, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Read third time.

Senate Bill No. 841 was temporarily passed on file, in the absence of Senator Cartwright, to retain its place.

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 910 finally passed by the following vote:

AYES—Senators Behan, Bell, Birdsall, Boynton, Bryant, Burnett, Campbell, Estudillo, Gates, Hans, Hewitt, Holahan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Stetson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 28 was this day adopted.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 911 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1340—An Act to amend Section 3515 of the Political Code, relating to the non-payment of principal and interest of state lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1340 finally passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Boynton, Bryant, Caminetti, Campbell, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the Register of the State Land Office in relation to lands sold by the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1342 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1344 finally passed by the following vote:

AYES—Senators Avey, Beban, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hewitt, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Strobridge, Thompson, Walker, Welch, and Wolfe—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR HEWITT IN THE CHAIR.

At three o'clock and forty minutes P. M., Senator Hewitt, of the Thirty-eighth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1346 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1347 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Lewis, Martinelli, Regan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1348 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsell, Bryant, Caminetti, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Lewis, Regan, Roseberry, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a State convention of county assessors.

Also Senate Bill No. 904—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1920, relating to the service of summonses in actions for divorce or annulment of marriage.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 757 and 904 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provisions of Section 3406 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1350 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsell, Bryant, Caminetti, Cassidy, Curtin, Estudillo, Gates, Hans, Hale, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1351 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsell, Bryant, Caminetti, Cassidy, Estudillo, Finn, Hans, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 507 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Bryant, Burnett, Caminetti, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Strobbridge, Thompson, Walker, Welch, and Wolfe—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

On motion of Senator Regan, Assembly Bill No. 1293 was temporarily passed on file, to retain its place.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 943 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Birdsell, Boynton, Bryant, Burnett, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—29.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

On motion of Senator Thompson, Assembly Bill No. 571 was temporarily passed on file, to retain its place.

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by an Act approved March 20, 1905, and relating to age of school children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Martinielli, Regan, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—26
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

On motion of Senator Birdsall, the Governor's message vetoing Senate Bill No. 529 was taken up and read.

Message from the Governor received March 13, 1911.

EXECUTIVE OFFICE,
 SACRAMENTO, CAL., March 13, 1911

To the Senate of the State of California:

I return to you, herein, without my approval, Senate Bill No. 529, entitled: "An Act relating to fishing in streams that are stocked or supplied with fish by State or county."

The reason I have vetoed this bill is because such legislation is invalid. The bill provides that any person may, for the purposes of fishing, go upon the lands of another bordering upon streams that have been stocked with fish. Section 14 of Article I of the Constitution provides that "private property shall not be taken or damaged for public use without just compensation having first been made to or paid into court for the owner," etc. It has uniformly been held that an entry upon private lands is to that extent a taking of such private lands.

The Attorney General, to whom I submitted this Act for an opinion as to its validity, has furnished me the various adjudications bearing upon the subject, and has reached the conclusion that the Act is clearly unconstitutional, and in this conclusion I am forced to concur.

For this reason, I have vetoed the bill.

Respectfully submitted.

HIRAM W. JOHNSON,
 Governor of California.

Message read on a previous day.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 529 sustained by the following vote:

AYES—Senator Birdsall—1.

NOES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Burnett, Cassidy, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Lewis, Martinielli, Regan, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Regan asked for, and was granted, unanimous consent to take up Assembly Bill No. 1293 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Regan moved to refer to Senator Finn, as a special committee of one, to amend as follows:

On page 2, line 21, of the printed bill, strike out the figure "3" in brackets, and insert in lieu thereof the figure "4".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1293, with instructions to amend, respectfully reports the same back, amended as per instructions.

FINN, Committee

Report of special committee of one, and amendment, adopted.
Bill ordered to print, and on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Roseberry moved that the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 842 was refused passage be made a special order for Thursday, March 16, 1911, immediately after the special order heretofore set.

Motion carried.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1086 -An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

During second reading of the bill, the following amendments were submitted by committee:

Strike out all of lines 45 to 61, inclusive, pages 2 and 3, of printed bill, and insert in lieu thereof the following:

"*Seventh.* (a) To employ a principal for each school under their control, and in schools employing eight teachers or more, they may employ a supervising principal for one or more schools under their control, and in each city school district governed by a city board of education to employ a city superintendent of schools and when necessary deputy or assistant city superintendent of schools, and to fix and order paid the compensation of the same unless the same be otherwise prescribed by law; *provided*, that any supervising principal, or city superintendent, or deputy, or assistant city superintendent, who shall be employed after the passage of this Act, may be employed for four years.

(b) To employ the teachers and immediately notify the county superintendent of schools in writing, of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the close of the next ensuing school year; except that teachers may be elected on or after June first for the next ensuing school year, and each teacher so elected shall be deemed reelected from year to year thereafter unless the governing body of the school district shall on or before the tenth day of June give notice in writing to such teacher that his services will not be required for the ensuing school year. Such notice shall be deemed sufficient and complete when delivered in person to the teacher by the clerk or secretary of the governing body of the school district, or deposited in the United States mail with postage prepaid addressed to such teacher at his last known place of address; *and provided further*, that any teacher who shall fail to signify his acceptance within twenty days after such election shall be deemed to have declined the same; *and provided further*, that any board of trustees or city board of education may pay the teachers employed by

them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them."

Amendment adopted.

Also:

Strike out all of subdivision twenty-second, lines 182 to 196, inclusive, and insert in lieu thereof the following:

"*Twenty-second*—To let all contracts involving an expenditure of more than two hundred dollars for work to be done or for materials or supplies to be furnished, except musical instruments, to the lowest responsible bidder who will give such security as the board may require or else to reject all bids; providing that continuing contracts for materials and supplies may be made with an accepted bidder for a period of one year; and *provided, further*, that the board may repair old buildings by day's labor. For the purpose of securing bids the board must publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when [and] the place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, line 4, after the word "railroad", insert the following: ", street railway or interurban railway,".

Amendment adopted.

Also:

In Section 1, line 8, after the word "railroad", insert the following: ", street railway or interurban railway,".

Amendment adopted.

Also:

In Section 1, line 11, strike out the word "railroad".

Amendment adopted.

Also:

In Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

During second reading of the bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 7, beginning with the word "owned", strike out all of lines 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "planted to growing

crops, vines, fruit trees or vegetables, or which at the time is in a state of cultivation, owned by, or lawfully in the possession of any person, firm or corporation, other than the owner of such animal."

Amendment adopted.

Also:

On page 1, Section 1, at the end of Section 1, add the following

"Sec. 2. This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to superior courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of superior court on appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the superior court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said government.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1202—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven *a*, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four and thirteen hundred seventy-five of the Political Code of the State of California, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing

state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

During second reading of the bill, the following amendments were submitted by committee:

In line 20, page 2, of the printed bill, strike out the word "Assessments" in the two places in which it occurs in said line, and insert in lieu thereof in each place the word "assessment".

Amendment adopted.

Also:

In line 22, on page 2, of the printed bill, insert after the word "shall" a comma and after the words "annual levy" the word "hereunder".

Amendment adopted.

Also:

In line 26, of page 2, of the printed bill, insert after the word "vote", the words "by the adoption of a resolution by at least four fifths of the members of the board of directors", and strike out the semicolon in said line and insert in lieu thereof a comma.

Amendment adopted.

Also:

In line 29, on page 2, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Also:

In line 35, on page 2, of the printed bill, after the word "election" strike out the comma.

Amendment adopted.

Also:

In line 42, on page 2, of the printed bill, insert after the word "levied", the words "by the adoption of a resolution by at least four fifths of the members of the board of directors", and insert after said words a comma.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Assembly Bill No. 1180 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

During second reading of the bill, the following amendments were offered by Senator Martinelli:

In line 4, of the title, insert after the word "officers", the words "and fees and mileage of jurors."

Amendment adopted.

Also:

In line 247, on page 8, of the printed bill, strike out the word "and" and insert in lieu thereof the word "each".

Amendment adopted.

Also:

In line 248, on page 8, of the printed bill, insert after the word "traveling", the words "to and".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER .

On motion of Senator Sanford, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 304—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 1, of the title, after the figures 424, strike out the figure "9", and insert in lieu thereof the figure "2".

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the figure "9" after the figure "4", and insert in lieu thereof the following: "2".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the figure "9" after the figure "4", and insert in lieu thereof the following: "2".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "twentieth", and insert in lieu thereof the following: "thirteenth".

Amendment adopted.

Also:

On page 2, Section 1, line 34, after the word "claims", insert the following: "provided, that on and after the 1st day of January, 1915, the recorder shall receive five

cents for each instrument of any character transcribed by him or his deputies, and two and one half cents for each name indexed payable in the same manner as herein-before provided".

Amendment adopted.

Also:

On page 2, Section 1, line 38, strike out the word "seven" after the word "off", and insert in lieu thereof the following: "nine".

Amendment adopted.

Also:

On page 2, Section 1, line 38, strike out the word "eighty".

Amendment adopted.

Also:

On page 3, Section 1, line 71, after the word "deputy", strike out the period, and insert in lieu thereof a semicolon and the following words: "; *provided, however,* he shall be allowed a stenographer to be paid sixty dollars per month for six months each year to be paid monthly out of the county treasury in the same manner as other county officers are paid."

Amendment adopted.

Also:

On page 4, Section 1, line 95, after the word "necessary", insert the following: "field".

Amendment adopted.

Also:

On page 3, Section 1, line 95, strike out the word "and", at the end of the line.

Amendment adopted.

Also:

On page 3, Section 1, line 96, strike out the words "transportation for work performed in the field";.

Amendment adopted.

Also:

On page 4, Section 1, line 98, strike out the word "three", and insert in lieu thereof the following: "two".

Amendment adopted.

Also:

On page 4, Section 1, line 101, after the word "month", strike out the words "one deputy at a salary of one hundred dollars per month".

Amendment adopted.

Also:

On page 4, Section 1, line 107, after the word "paid" insert "all necessary expenses for field assistance, shall be paid by the county and the actual cost of preparing maps whenever a complete set of such maps is ordered prepared by the board of supervisors. Said cost of preparing said assessor's maps not to exceed the sum of \$1800.00".

Amendment adopted.

Also:

On page 4, Section 1, line 117, strike out the word "fifteen", and insert in lieu thereof the following: "twenty five".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

On motion of Senator Campbell, Senate Bill No. 1179 was temporarily passed on file, to retain its place.

Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two of the Penal Code, all relating to appeals to the Supreme Court.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 4 and 5, strike out the words "from a judgment upon appeal from an inferior court", and insert in lieu thereof the following: "in a criminal proceeding on appeal from an inferior court to the superior court."

Amendment adopted.

Also:

On page 2, Section 4, line 4, strike out the words "in favor of the defendant", and all of lines 5, 6, 7, 8 and 9, and insert in lieu thereof a comma after the word "judgment", and the following: "determination or decision, in favor of the defendant, until such judgment, determination or decision is reversed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Wolfe moved that the vote whereby Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments, was refused adoption—be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15 was refused adoption be made a special order for Thursday, March 16, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1050—An Act entitled "An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators."

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, after the word "thereon", insert the following: "or to partition real property,".

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, of the printed bill, strike out the word "six" at the end of said line, and insert in lieu thereof the word "five".

Amendment adopted.

Also:

In line 4, of the title, of the printed bill, strike out the word "seventh", and insert in lieu thereof the word "sixth".

Amendment adopted.

Also:

On page 1, Section 1, line 2, of the printed bill, strike out the word "six", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, strike out the figures "4276", and insert in lieu thereof the figures "4275".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, strike out the word "seventh", and insert in lieu thereof the word "sixth".

Amendment adopted.

Also:

On page 1, Section 1, strike out lines 8 and 9, and insert in lieu thereof the following: "The county clerk, twenty-six hundred dollars per annum and the fees required of him by law to collect, as county clerk, as are now or may be hereafter allowed by law for such office, exclusive of such fees as may be provided by law on account of or for a law library fund."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 975—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, strike out the figures "4243", and insert in lieu thereof the figures "4253".

Amendment adopted.

Also:

In line 3, of the title, strike out the word "fourteenth", and insert in lieu thereof the following: "twenty-fourth".

Amendment adopted.

Also :

In line 4. of the title, strike out the comma after the word "class", and insert in lieu thereof a period.

Amendment adopted.

Also :

In lines 4, 5, and 6, of the title, strike out all of line 4, of the title, after the comma following the word "class", and also strike out all of lines 5 and 6.

Amendment adopted.

Also :

On page 1, Section 1, line 1, of the printed bill, strike out the figures "4243", and insert in lieu thereof the following: "four thousand two hundred fifty-three".

Amendment adopted.

Also :

On page 1, Section 1, line 3, of the printed bill, strike out the figures "4243", and insert in lieu thereof the figures "4253".

Amendment adopted.

Also :

On page 1, Section 1, line 3, of the printed bill, strike out the word "fourteenth", and insert in lieu thereof the following: "twenty-fourth".

Amendment adopted.

Also :

On page 4, Section 1, line 92, of the printed bill, strike out the words "salaries and mileage of supervisors", and the parentheses enclosing the same.

Amendment adopted.

Also :

On page 4, Section 1, line 103, of the printed bill, strike out the figure "1", and the parentheses enclosing the same.

Amendment adopted.

Also :

On page 4, Section 1, line 105, of the printed bill, strike out the figure "2", and the parentheses enclosing the same.

Amendment adopted.

Also :

On page 4, Section 1, line 107, of the printed bill, strike out the figure "3", and the parentheses enclosing the same.

Amendment adopted.

Also :

On page 4, Section 1, line 108, of the printed bill, strike out the word "fees", and the parentheses enclosing the same.

Amendment adopted.

Also :

On page 4, Section 1, line 122, strike out the following: "this [the]", and insert in lieu thereof the word "the".

Amendment adopted.

Also :

On page 5, Section 1, line 126, of the printed bill, strike out the word "disbursements", and the parentheses enclosing the same.

Amendment adopted.

Also:

On page 5, Section 1, line 133, of the printed bill, strike out the words "determining population", and the parentheses enclosing same.

Amendment adopted.

Also:

On page 5, Section 2, of the printed bill, strike out all of lines 1 and 2 of said Section 2.

Amendment adopted.

Also:

On page 5, Section 2, line 3, of the printed bill, strike out the following: "4243a", and insert in lieu thereof the following: "16".

Amendment adopted.

Also:

On page 5, Section 2, line 3, of the printed bill, strike out the word "fourteenth", and insert in lieu thereof the word "this".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1180—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-fifth class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2 of the title, of the printed bill, strike out the word "five", and insert in lieu thereof the word "nine".

Amendment adopted.

Also:

In line 4 of the title, strike out the word "forty-fifth", and insert in lieu thereof the word "fiftieth".

Amendment adopted.

Also:

On page 1, Section 1, line 2, of the printed bill, strike out the word "five", and insert in lieu thereof the word "nine".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, strike out the figures "4275", and insert in lieu thereof the figures "4279".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, strike out the word "forty-fifth", and insert in lieu thereof the following: "fiftieth".

Amendment adopted.

Also:

On page 2, Section 1, line 31, of the printed bill, strike out the words "salaries and mileage of supervisors", and the parentheses enclosing same.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1043—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers of counties of the twenty-fourth class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, of the printed bill, strike out the figures "4253", and insert in lieu thereof the figures "4258".

Amendment adopted.

Also:

In line 4, of the title, strike out the word "fourth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the figures "4253", and insert in lieu thereof the figures "4258".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the figures "4253", and insert in lieu thereof the figures "4258".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the word "fourth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1042—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, strike out the figures "4277", and insert in lieu thereof the figures "4278".

Amendment adopted.

Also:

On page 1, line 3, of the title, strike out the word "eighth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the figures "4277", and insert in lieu thereof the figures "4278".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the figures "4277", and insert in lieu thereof the figures "4278".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, strike out the word "eighth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Also:

On page 2, Section 1, line 30, of the printed bill, strike out the semicolon at the end of the line, and insert in lieu thereof a comma, and the following: "and ten per cent on all licenses collected by him as license collector."

Amendment adopted.

Also:

On page 3, Section 1, line 58, of the printed bill, strike out the words "The justice", and insert in lieu thereof the word "Justices".

Amendment adopted.

Also:

On page 4, Section 1, lines 95 to 100, inclusive, strike out all of said lines, and insert in lieu thereof the following:

"17. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars per day for each day's attendance, and in civil cases, two dollars per day for each day's attendance."

For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty five cents.

Provided, that in counties of this class, the county treasurer shall pay said jurors the amounts due them as per their certificate of per diem and mileage issued by the clerk, and said certificates shall be counted as so much cash; and at the next regular session of the board of supervisors, the said county treasurer shall present said certificates to said board, who, after an examination of said certificates, shall direct the auditor to draw his warrant on the general fund of the county in favor of said county treasurer for the amount paid on said certificates, and surrendered."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, of the printed bill, strike out the figures "4251", and insert in lieu thereof the following: "4257".

Amendment adopted.

Also:

In line 3, of the title, of the printed bill, strike out the word "Second", at the end of said line, and insert in lieu thereof the following: "eighth".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the figures "4251", and insert in lieu thereof the following: "4257".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the figures "4251", and insert in lieu thereof the following: "4257".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the word "Second", and insert in lieu thereof the following: "eighth".

Amendment adopted.

Also:

On page 2, Section 1, line 42, of the printed bill, after the word "tax", insert the following: "and license".

Amendment adopted.

Also:

On page 3, Section 1, line 59, of the printed bill, strike out the period after the word "ammun", and insert in lieu thereof a semicolon, and add the following: "provided, that the district attorney is entitled to receive and retain for his own use fifteen dollars to be taxed as costs for each suit brought under the provisions of article six, chapter one, title eight, of part three of the Political Code."

Amendment adopted.

Also:

On page 3, Section 1, of the printed bill, strike out all of lines 74, 75, 76, 77, and 78, and insert in lieu thereof the following:

"12. The surveyor, such fees as are now or may be hereafter allowed by law."

Amendment refused adoption.

Also:

On pages 3 and 4, Section 1, of the printed bill, strike out all of lines 79 to 105, both inclusive, and insert in lieu thereof the following:

"13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the Federal census of nineteen hundred ten as follows:

Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than three thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand eight hundred and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of fourteen hundred twenty-five and less than fourteen hundred fifty shall belong to and be known as townships of the fourth class; townships having a population of fourteen hundred fifty and less than eighteen hundred shall belong to and be known as townships of the fifth class; and townships having a population of less than fourteen hundred twenty-five shall belong to and be known as townships of the sixth class.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifteen dollars per month, and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:"

Amendment adopted.

Also:

On page 5, Section 1, line 147, strike out the figures "14", and insert in lieu thereof the figures "15".

Amendment adopted.

Also:

On page 5, Section 1, strike out all of lines 152 to 155, inclusive, and the words "per month" in line 156, and insert in lieu thereof the following: "In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month, in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month."

Amendment adopted.

Also:

On page 7, Section 1, after line 226, and before the line 227, insert the following:

"16. It is expressly provided that in counties of this class, where a township has been created, or may hereafter be created out of any township, the population of

which is shown in the Federal census of nineteen hundred ten, the population of the newly created township and the population of the township from which the newly created township was taken shall be separately ascertained and determined by the board of supervisors in the following manner: by appointing a suitable person in each of such townships to take said census and said census shall be taken by said persons so appointed of all the inhabitants of each of said townships; the full name of each person shall be fully written, the names alphabetically and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the county clerk, and thereupon the same shall be the official census of said township or townships. The expense of taking said census shall be a county charge. From the taking of such census the salary of the justices of the peace and of the constables of the newly created township and of the township from which the newly created township was taken, shall be estimated and paid on the basis of the classification heretofore given under the Federal census of nineteen hundred ten pro rata according to the population of the newly created and former township as shown by the census taken as heretofore provided to be ascertained and determined by the board of supervisors."

Amendment adopted.

Also:

On page 8, Section 1, following line 241, insert the following:

"17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only, per mile fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same."

Amendment adopted.

Also:

On page 8, strike out all of Section 2.

Amendment adopted.

The following amendment was offered by Senator Shanahan:

On page 3, Section 1, of the printed bill, strike out all of lines 74, 75, 76, 77, and 78, and insert in lieu thereof the following:

"12. The surveyor, ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation for work performed in the field, which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1038--An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, of the printed bill, strike out the figures "4257", and insert in lieu thereof the figures "4260".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the figures "4257", and insert in lieu thereof the figures "4260".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, strike out the figures "4257", and insert in lieu thereof the figures "4260".

Amendment adopted.

Also:

On page 1, Section 1, line 16, of the printed bill, strike out the words "one thousand", and insert in lieu thereof the words "three hundred".

Amendment adopted.

Also:

On page 2, Section 1, line 51, of the printed bill, strike out the semicolon after the word "paid", and insert in lieu thereof a period.

Amendment adopted.

Also:

On pages 2 and 3, Section 1, of the printed bill, strike out all of line 51 after the semicolon following the word "paid", and all of lines 52 to 59, inclusive.

Amendment adopted.

Also:

On page 5, Section 1, of the printed bill, strike out all of lines 131 to 159, both inclusive, and insert in lieu thereof the following: "mileage: for all other services the same fees as are allowed sheriffs for like services; *provided, further,* that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided,* such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided,* he shall not in any one year receive more than three hundred dollars as such road commissioner. The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided,* that the full amount of expenses incurred shall not exceed three hundred dollars in any one year, to be allowed as any other claim by the board of supervisors.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

17. In counties of the thirty-first class, the sheriff, county clerk, district attorney, assessor, tax collector, recorder, coroner, public administrator, and each and every justice of the peace in said counties, and each and every constable in said counties, shall make and file with the county clerk of said county, on the first day of each year, a statement in writing and verified by the oath of each official respectively making the same, setting forth in detail all fees, commissions, percentages, emoluments and moneys received for official services of every kind and description during the last preceding year; a failure so to do shall be and constitute a waiver of all future fees to be paid to and retained by said official as compensation, and shall be and constitute a bar to the retention or recovery of any fees, commissions, or percentages for compensation thereafter, until such verified statements shall be made and filed, as aforesaid."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1260—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Senate Bill No. 1260 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Senate Bill No. 680 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 4, Section 9, strike out all of line 114, after the word "annum," and all of line 115, and insert in lieu thereof the following: "and two stenographers, one of whom shall receive a salary of twelve hundred dollars per annum, and one of whom shall receive a salary of nine hundred dollars per annum".

Also: On page 7, Section 3, strike out all of lines 31, 32, 33, 34, 35, and all of line 36, to and including the words "per folio", and insert in lieu thereof the following:

"3 The recorder, two thousand dollars per annum, and one deputy recorder, which office of deputy recorder is hereby expressly created. The office of deputy recorder shall be filled by the recorder by appointment, and said deputy recorder is to be at all times as to his duties under the supervision and control of the recorder, and said deputy recorder shall receive a salary of twelve hundred dollars per annum. The recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of five cents per folio, for recording any instrument or notice, except maps or plats, and for copies of any records or papers five cents per folio. The salaries of the deputy recorder and copyists herein provided shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid."

Also: Strike out all the title after the words "An Act", and insert in lieu thereof the following:

"To amend Section 4236 of the Political Code, relating to officers and salaries in counties of the seventh class, and to amend Section 4265 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 680, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 19—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HURD, Chairman.

Senate Concurrent Resolution No. 19 ordered on file.

SECOND-READING FILE OF APPROPRIATION BILLS—OUT OF ORDER

On motion of Senator Hurd, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of the title the numerals "150,000.00", and insert in lieu thereof the numerals "100,000.00".

Amendment adopted.

Also:

On page 2, Section 2, line 10, of the printed bill, strike out the words "and fifty".

Amendment adopted.

Also:

On page 2, Section 2, line 15, of the printed bill, strike out the dollar sign and the numerals "150,000.00", and insert in lieu thereof the following: "one hundred thousand dollars".

Amendment adopted.

Also:

On page 2, Section 2, line 20, of the printed bill, strike out the dollar sign and the numerals "150,000.00", and insert in lieu thereof the following: "one hundred thousand dollars".

Amendment adopted.

Also:

On page 2, Section 2, line 22, of the printed bill, strike out the numeral "3", and insert in lieu thereof the numeral "1".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by striking out the period after the word "streams", and inserting in lieu thereof a comma and the following: "and for acquiring land for necessary rights of way."

Amendment adopted.

Also:

Strike out lines 3 and 4, of Section 1, of the printed bill, and insert in lieu thereof the following: "Treasury not otherwise appropriated, to be expended by the Department of Engineering for the purpose of rectifying and improving."

Amendment adopted.

Also:

Strike out the semicolon in line 8, Section 1, of the printed bill, and insert in lieu thereof a comma and the following: "and for acquiring land for necessary rights of way for such improvements."

Amendment adopted.

Also:

Insert in line 1, of Section 2, of the printed bill after the word "for", the following: "rights of way."

Amendment adopted.

Also:

Strike out all of Section 3, and insert in lieu thereof the following:

"Sec. 3. Of the sum of money herein appropriated fifty thousand dollars thereof shall become available on the 1st day of July, 1911, and the remaining one hundred thousand dollars thereof on the first day of July, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION — CURE OF ORDER.

The following resolution was introduced:

By Senator Caminetti:

WHEREAS, The Hon. E. I. Wolfe, this day passes the fifty-first mile post on life's journey:

WHEREAS, The members of the Senate, irrespective of party, entertain for this veteran of legislation high esteem; therefore, be it

Resolved, That the congratulations of the Senate be extended to Senator Wolfe, and the hope is expressed, in behalf of its members, that he will enjoy a long and prosperous career.

Resolution read, and unanimously adopted by a standing vote.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Bill No. 407—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work—and report that the same has been correctly enrolled, and presented the same to the Governor on this 15th day of March, 1911, at four o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 941—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 941 ordered on file for third reading

MESSAGE FROM THE ASSEMBLY — (OUT OF ORDER).

On motion of Senator Hare, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. J. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 773?"

On page 5, Section 18, strike out all after the word "effect", and insert in lieu thereof the following: "on October 1, 1911".

Also: On page 3, Section 6, line 3, strike out all of Section 6, after the word "than", and insert in lieu thereof the following: "18 inches wider and 18 inches longer than the bed, bunk, cot, or other sleeping place on which they are used."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 773 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 773 ordered to enrollment.

CONSIDERATION OF BILL — (OUT OF ORDER).

Senator Finn asked for, and was granted, unanimous consent to take up Assembly Bill No. 313 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Read third time on previous day.

On motion of Senator Finn, Assembly Bill No. 313 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL — (OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Senate Bill No. 430 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holohan moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By striking out of printed bill all after the enacting clause thereof, and inserting in lieu thereof the following:

"Section 1. Section 925 of the Penal Code of California is hereby amended so as to read as follows:

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney, but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times, except as herein provided, appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary. The grand jury, on the demand of the district attorney, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand and to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, a copy of the testimony given in his case before the grand jury, shall be served upon him within five days after the discharge of the grand jury, or if the grand jury has not been discharged, at least five days before the cause is set for trial. The services of such stenographic reporter constitute a charge against the county. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions or giving their votes upon any matter before them. The grand jury of the district attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The services of such interpreter constitute a charge against the county. When for any cause the grand jury desires an attorney other than the district attorney to appear before it for the purpose of giving information or advice relative to any matter cognizable by it, the court must, upon request of the grand jury, appoint an attorney duly licensed to practice by the Supreme Court of the State, in the place and stead of the district attorney, and such attorney may at all times appear before the grand jury during the hearing and determination of such matters concerning which it may desire from him information and advice, and may while so present interrogate witnesses. If the grand jury as a result of its investigation of any matter concerning which such attorney has given it information or advice, shall indict any person, then it shall become the duty of such attorney to draw the indictment. While the attorney so appointed is in attendance before the grand jury, the district attorney shall have no right to appear before it."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 430, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to the compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Also: Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Also: Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of counties of the eighteenth class.

Also: Assembly Bill No. 1557—An Act to amend section four thousand two hundred fifty of the Political Code of the State of California, relating to fees and salaries of county officials.

Also: Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 1553, 1555, 1556, 1557, and 1580 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Also: Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Also: Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Also: Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Senate Bills Nos. 1278, 1279, 1280, and 1283 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference appointed to consider Senate amendments to Assembly Bill No. 37, the report of which reads as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Free Conference concerning Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted, forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—report that we have met a like committee of the Senate consisting of Senators Estudillo, Stetson and Thompson, and we further report that such Free Conference Committee has agreed upon and adopted the following amendments, and we suggest and recommend that the same be adopted.

(N. B. The words "printed bill", as used in these amendments, mean the bill as printed after being amended in Senate February 11, 1911, and not the bill as printed at later dates.)

AMENDMENT No. 1.

On page 1, of the printed bill, Section 1, line 2, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 2.

On page 2, of the printed bill, Section 1, line 5, insert between the words "for" and "Governor", the words "all candidates for".

AMENDMENT No. 3.

On page 2, of the printed bill, Section 1, line 7, after the word "therein", strike out the comma and the words "board of supervisors".

AMENDMENT No. 4.

On page 2, of the printed bill, Section 1, line 8, strike out the word "city", and insert in lieu thereof the word "or".

AMENDMENT No. 5.

On page 2, of the printed bill, Section 1, line 8, insert between the words "and" and "county", the following words: "the board of supervisors of the".

AMENDMENT No. 6.

On page 2, of the printed bill, Section 1, line 8, insert between the word "county" and the comma following it, the words: "in which such supervisorial district is situated".

AMENDMENT No. 7.

On page 2, of the printed bill, Section 1, line 9, strike out the words "and remove", and insert in lieu thereof the words "the proceeds, to be used for a district".

AMENDMENT No. 8.

On page 2, of the printed bill, Section 1, line 10, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 9.

On page 2, of the printed bill, Section 1, line 11, strike out the word "therein".

AMENDMENT No. 10.

On page 2, of the printed bill, Section 2, line 10, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 11.

On page 2, of the printed bill, Section 2, line 10, strike out the word "therein".

AMENDMENT No. 12.

On page 2, of the printed bill, Section 2, line 13, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 13.

On page 2, of the printed bill, Section 2, line 14, strike out the word "therein".

AMENDMENT No. 14.

On page 2, of the printed bill, Section 2, line 17, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 15.

On page 2, of the printed bill, Section 2, line 17, strike out the word "therein".

AMENDMENT No. 16.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 17.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "therein".

AMENDMENT No. 18.

On page 5, of the printed bill, Section 11, line 1, strike out the word "county", and insert in lieu thereof the words "supervisorial district".

AMENDMENT No. 19.

On page 5, of the printed bill, Section 11, line 2, strike out the word "therein".

AMENDMENT No. 20.

On page 5, of the printed bill, Section 12, line 3, insert between the word "pharmacists" and the comma following it, the words "and to manufacturers of such liquors".

AMENDMENT No. 21.

On page 6, of the printed bill, Section 12, line 4, insert between the word "pharmacists" and the comma following it, the words "and manufacturers".

AMENDMENT No. 22.

On page 6, of the printed bill, Section 16, line 9, strike out the period after the word "resort", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 23.

On page 7, of the printed bill, Section 16, line 21, strike out the period after the word "dispensed", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 24.

On page 7, of the printed bill, Section 16, lines 27 and 36, strike out the period after the word "inspection" in each line, and insert in lieu thereof a semicolon (;).

AMENDMENT No. 25.

On page 7, of the printed bill, Section 16, line 38, strike out the period after the word "organization", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 26.

On page 7, of the printed bill, Section 16, strike out all of lines 39 to 44 inclusive, and insert in lieu thereof the following:

"6th. The keeping of alcoholic liquors at cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for said liquors, and the shipping of the same therefrom: *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory;"

AMENDMENT No. 27.

On page 8, of the printed bill, Section 16, line 52, strike out "(a) to other manufac-"; also strike out all of lines 53 to 59 inclusive, and insert in lieu thereof the following: "(a) to a common carrier for shipment to a place outside of said no-license territory; (b) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors; (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the 6th paragraph of this section; (d) to any person at his or her permanent residence; (e) to registered pharmacists at their places of business."

ESTUDILLO,
THOMPSON.

Senate Committee on Free Conference.

RANDALL,
CRONIN.

Assembly Committee on Free Conference.

We do not concur:

ROSENDALE,
STETSON.

L. B. MALLORY, Chief Clerk of the Assembly.

Message ordered printed in the Journal.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned.

IN SENATE

SENATE CHAMBER.

Thursday, March 16, 1911

Pursuant to adjournment, the Senate met at ten o'clock A. M.
 Lieutenant Governor Albert J. Wallace, President of the Senate,
 in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bots, Russell, Brock, Rogers, Brown, B. Caminetti, Campbell, Cartwright, Cressney, Curtis, Easton, Escudé, Foss, Gans, Hans, Hare, Hewitt, Hobson, Hunt, Juddard, Larkin, Latta, Matthews, Rags, Roseberry, Rush, Sanford, Shavano, Stearns, Swenson, Thompson, Tupper, Walker, Welch, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wynant.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 15, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to H. M. Payne, of San Luis Obispo.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Frederick Baker, of Long Beach.

APPROVAL OF JOURNALS.

The Journals of Monday, February 20th, Tuesday, February 21st, Wednesday, February 22d, Thursday, February 23d, Friday, February 24th, Monday, February 27th, Tuesday, February 28th, Wednesday, March 1st, Thursday, March 2d, Friday, March 3d, Saturday, March 4th, Monday, March 6th, Tuesday, March 7th, Wednesday, March 8th, Thursday, March 9th, Friday, March 10th, and Saturday, March 11th, 1911, having been corrected, were read and approved.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of report of Committee on Free Conference.

REPORT OF COMMITTEE ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Free Conference, reporting Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions, providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license, providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted, forfeiting and declaring void all such licenses or

permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—report that we have met a like committee of the Assembly consisting of Assemblymen Randall, Cronin, and Rosendale, and we further report that such Free Conference Committee has agreed upon and adopted the following amendments, and we suggest and recommend that the same be adopted.

(N. B. The words "printed bill", as used in these amendments, mean the bill as printed after being amended in Senate February 11, 1911, and not the bill as printed at later dates.)

AMENDMENT No. 1.

On page 1, of the printed bill, Section 1, line 2, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 2.

On page 2, of the printed bill, Section 1, line 5, insert between the words "for" and "Governor", the words "all candidates for".

AMENDMENT No. 3.

On page 2, of the printed bill, Section 1, line 7, after the word "trustees", strike out the comma and the words "board of supervisors".

AMENDMENT No. 4.

On page 2, of the printed bill, Section 1, line 8, strike out the comma after the word "city", and insert in lieu thereof the word "or".

AMENDMENT No. 5.

On page 2, of the printed bill, Section 1, line 8, insert between the words "or" and "county", the following words: "the board of supervisors of the".

AMENDMENT No. 6.

On page 2, of the printed bill, Section 1, line 8, insert between the word "county" and the comma following it, the words, "in which such supervisory district is situated".

AMENDMENT No. 7.

On page 2, of the printed bill, Section 1, line 9, strike out the words "and determine", and insert in lieu thereof the words "the question", followed by a comma (,).

AMENDMENT No. 8.

On page 2, of the printed bill, Section 1, line 10, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 9.

On page 2, of the printed bill, Section 1, line 11, strike out the word "therein".

AMENDMENT No. 10.

On page 2, of the printed bill, Section 2, line 10, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 11.

On page 2, of the printed bill, Section 2, line 10, strike out the word "therein".

AMENDMENT No. 12.

On page 2, of the printed bill, Section 2, line 13, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 13.

On page 2, of the printed bill, Section 2, line 14, strike out the word "therein".

AMENDMENT No. 14.

On page 2, of the printed bill, Section 2, line 17, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 15.

On page 2, of the printed bill, Section 2, line 17, strike out the word "therein".

AMENDMENT No. 16.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 17.

On page 4, of the printed bill, Section 8, in the line at which occur the words "therein".

AMENDMENT No. 18.

On page 5, of the printed bill, Section 11, line 1, strike out the word "county", and insert in lieu thereof the words "superior court district".

AMENDMENT No. 19.

On page 5, of the printed bill, Section 11, line 2, strike out the word "therein".

AMENDMENT No. 20.

On page 5, of the printed bill, Section 12, line 3, insert between the word "pharmacists" and the comma following it, the words "and the possession of such liquors".

AMENDMENT No. 21.

On page 6, of the printed bill, Section 12, line 4, insert between the word "pharmacists" and the comma following it, the words "and *intoxicating*".

AMENDMENT No. 22.

On page 6, of the printed bill, Section 16, line 9, strike out the period after the word "resort", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 23.

On page 7, of the printed bill, Section 16, line 11, strike out the period after the word "dispensed", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 24.

On page 7, of the printed bill, Section 16, lines 27 and 28, strike out the period after the word "inspection" in each line, and insert in lieu thereof a semicolon (;).

AMENDMENT No. 25.

On page 7, of the printed bill, Section 16, line 38, strike out the period after the word "organization", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 26.

On page 7, of the printed bill, Section 16, strike out all of lines 39 to 44 inclusive, and insert in lieu thereof the following:

"6th. The keeping of alcoholic liquors in cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for such liquors, and the shipping of the same therefrom, *provided* said liquors are not distributed or delivered to any person or place in no license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory."

AMENDMENT No. 27.

On page 8, of the printed bill, Section 16, line 52, strike out "or to other manufac.", also strike out all of lines 53 to 59 inclusive, and insert in lieu thereof the following: "(a) to a common carrier for shipment to a place outside of said no license territory; (b) to other manufacturers of alcoholic liquors at the places where they manufacture such liquors; (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the 6th paragraph of this section; (d) to any person at his or her permanent residence; (e) to registered pharmacists at their places of business."

ESTABLISHED
THOMPSON

Senate Committee on Free Conference

RANDALL
CRONIN

Assembly Committee on Free Conference

STETSON
ROSENDALE

We do not concur.

The same was taken up for consideration.
Report, and amendments, read.

POINT OF ORDER.

Senator Wolfe raised the point of order that under the provisions of Rule 14, of the Joint Rules of the Senate and Assembly of the thirty-

ninth session of the Legislature of the State of California, the report of the Committee on Free Conference showed a case of non-agreement, and consequently no further proceedings were in order, and that therefore there was nothing before the Senate for consideration.

RULING ON POINT OF ORDER.

The President of the Senate declared the point of order raised by Senator Wolfe not well taken.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Burnett moved that the consideration of Assembly Constitutional Amendment No. 50 be postponed and made a special order for Thursday, March 16, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Burnett moved that the further consideration of Assembly Constitutional Amendment No. 6 be made a special order for Thursday, March 16, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two *a* (22a), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Burnett moved that the further consideration of Senate Constitutional Amendment No. 47 be made a special order for Tuesday, March 16, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER—RESTARTED

REPORT OF COMMITTEE ON FREE CONFERENCE—(RESTARTED)

Senator Wolfe raised the point of order that the report of the Committee on Free Conference on Assembly Bill No. 37, submitted amendments that are unconstitutional, by reason of the fact that the amendments submitted provide for a vote in supervisory districts, whereas some of the counties of the State have no supervisory districts.

RULING ON POINT OF ORDER

The President of the Senate declared the point of order raised by Senator Wolfe not well taken.

REPORT OF COMMITTEE ON FREE CONFERENCE—(RESTARTED)

The question being on the adoption of the report and amendments. The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Avey, Bell, Baskett, Bark, Bessmer, Campbell, Cyprien, Curtin, Critten, Estabrook, Gares, Hewitt, Hutchins, Hunt, Juilliard, Larkin, Jones, Martinelli, Roseberry, Rush, Sanford, Sherman, Sisson, Stoddard, Thompson, Tyrrell, Walker, and Wright—28.

NOES—Senators Behan, Bells, Bryant, Burnett, Caminetti, Cassady, Foss, Hays, Hare, Regan, Welch, and Wolfe—12.

Assembly Bill No. 37, and report of Committee on Free Conference and amendments, ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE

Senator Caminetti arose to a question of personal privilege, and spoke as follows:

Since the matters involved in the report of the conference on Assembly Bill No. 37 were considered in the Senate in another shape, the Legislature has passed a proposed amendment to the Constitution providing for the initiative and referendum. It likewise has passed a law giving counties and municipal corporations the same powers. Thus the right of the people, or any portion of them, to propose and secure "local option," or action upon any other subject, is guaranteed on equal privileges to all. For these reasons I am opposed to the adoption of said report.

QUESTION OF PERSONAL PRIVILEGE

Senator Juilliard arose to a question of personal privilege, and spoke as follows:

I voted for Assembly Bill No. 37 solely on the ground that I believe a majority of the people of this State desire the opportunity of voting upon the principles or questions involved in local option.

The bill as prepared by the Free Conference Committee is not as fair or liberal as it should be; it is too narrow and contracted, but it does contain some of the suggestions which Assemblyman Slater and I have so consistently urged, and in

my judgment, to make it fair and reasonable, it should contain more of our suggestions. We are and have been true friends of local option, though we are not prohibitionists. This bill was prepared and introduced by prohibitionists, and they so admit.

There would have been a better, fairer and more effective bill submitted, had a free conference committee been properly and fairly selected.

Assemblyman Slater and I have labored long and hard to preserve from undue injury the great hop and grape growing and wine making interests of our districts and other similar districts of this State. The bill as it now stands is not as vicious and ridiculous as introduced. Still, under these adverse circumstances I voted for this bill, in part to prove that I have acted in entire good faith and have made good my promises, well knowing, however, that the bill is not what it should be and realizing fully that the majority of this Senate, as heretofore having expressed itself, has not been treated fairly or considerately.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty-one minutes P. M., on motion of Senator Thompson, the hour of recess was extended fifteen minutes.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Roseberry moved that the vote whereby Assembly Bill No. 842 was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 842 was refused passage, be made a special order for Thursday, March 16, 1911, at three o'clock P. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Burnett moved that the further consideration of Assembly Constitutional Amendment No. 50 be made a special order for Thursday, March 16, 1911, at two o'clock p. m.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Burnett moved that the consideration of Assembly Constitutional Amendment No. 6 be made a special order for Thursday, March 16, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two a (22a), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Burnett moved that the consideration of Senate Constitutional Amendment No. 47 be made a special order for Thursday, March 16, 1911, immediately after the special order heretofore set.

Motion carried.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER)

On motion of Senator Wolfe, the following message from the Governor was taken up:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, March 16, 1911

To the Senate of the State of California:

I have the honor to advise your honorable body that I have this day made the following appointments:

Marshal Hale, of San Francisco, a member of the Board of State Harbor Commissioners, vice W. V. Stafford, of San Francisco, term expired.

J. J. Dwyer, of San Francisco, a member of the Board of State Harbor Commissioners, vice P. S. Teller, of San Francisco, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of the State of California.

Message read and referred to the Committee on Executive Communications.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 828—An Act to amend Section 3493*m* of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEWIS, Chairman.

Assembly Bill No. 828 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1046—An Act to add a new section to the Penal Code of the State of California, relating to the regulation of loading and unloading of vessels, to be known as and numbered 368*a* of said Code

Also: Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Also: Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 1046, 1495, and 1445 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 790—An Act to amend Section 3051 of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

STETSON, Chairman.

Assembly Bill No. 790 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of State officers and judges—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STETSON, Chairman.

Assembly Constitutional Amendment No. 46 ordered on file.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved

March 24, 1903, and as amended March 20, 1905, and March 4, 1907, to adding a new section to said Act to be numbered section seven, and there further report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 691 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Transportation and Transportation Laws transmitted Committee Substitute for Senate Bill No. 1219—An Act authorizing steam and electric, incorporated street and trolley, to acquire, extend, improve, operate, maintain, and repair street car, trolley, and electric lines, and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 1216 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)—NEXT MORNING.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend certain sections, hundred and fifty-eight of the Political Code, relating to the appropriation of school funds,"

Also: Assembly Bill No. 368—An Act to amend Article VIII of Title III, Part III, of the Political Code.

Also: Assembly Bill No. 927—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 31, 1872, to be numbered 1752, relating to taxation, constitution and property of certain high school districts with high school districts of an incorporated city or town.

Also: Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 1646, providing for the payment of interest on certain orders of warrants against the State Hospital.

Also: Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development of the State in the Public Schools of California," approved April 15, 1909, by adding thereto a new section, relating to the salary of teachers in schools where no examining staff is employed.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

Assembly Bills Nos. 367, 368, 927, 1034, and 1095 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text books in certain schools, have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do not pass as amended.

STROBRIDGE, Chairman.

Assembly Bill No. 113 ordered on file for second reading.

ON AGRICULTURE, DAIRYING, FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Agriculture, Dairying, Fruit and Vine Interests, to whom was referred Assembly Bill No. 1211—An Act to amend an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BILLS, Chairman.

Assembly Bill No. 1211 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Also: Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Have had the same under consideration, and respectfully report the same back, with amendment, and recommend that same do pass as amended.

GATES, Chairman.

Assembly Bill No. 1107 and Committee Substitute for Assembly Bill No. 1199 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653*cc* thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Also: Assembly Bill No. 727—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 598*a*, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Also: Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine *a*, relating to the issuance of preferred stock by corporations.

Also: Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

ROSEBERRY, Chairman.

Assembly Bills Nos. 1534, 727, 817, and 357 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 734—An Act to amend Section 4290 of the Political Code, relating to salaries, fees and commissions of county officers, their duties and assistants.

Also: Senate Bill No. 1054—An Act to amend Section 4273 of the Political Code, relating to salaries of officers of counties of the forty-fourth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

HEWITT, Chairman.

Senate Bills Nos. 734 and 1054 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Committee Substitute for Assembly Bill No. 377—An Act to amend Sections 626, 626*a*, 626*d*, 626*f*, 626*g*, and 626*m* of the Penal Code of the State of California, relating to the protection of fish and game, and adding a new section thereto to be known and numbered as Section 626*p*.

Also: Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne River.

Also: Assembly Bill No. 1073—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by various of patented lands therein of the right to preserve and protect wild game on such patented lands; to amend the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundary of the land to which right attaches a misdemeanor, approved March 21, 1907.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WALKER, Chairman.

Committee Substitute for Assembly Bill No. 477—Assembly Bills Nos. 700 and 1073 ordered on file for second reading.

TIME OF RECESS EXTENDED.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Stetson, the hour of recess was extended fifteen minutes.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Stetson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of Committee on Finance Commissioners on Senate Bill No. 373—An Act to amend an Act entitled "An Act to declare and regulate the business of banking," approved March 1, 1909, by amending section six thereof, relating to what securities savings banks may invest their funds in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 373 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to engage on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and saloons, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service, and providing penalties for violations thereof.

Also: Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office and fixing their salaries.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 472 and 787 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Also: Assembly Bill No. 1550—An Act to amend section Number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

Also: Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Also: Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Also: Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable.

Also: Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Also: Assembly Bill No. 703—An Act to amend Sections 1, 3, 5, and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act", approved March 22, 1905; relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishments for violations of this Act and the licensing of chauffeurs and motor vehicle drivers.

Also: Assembly Bill No. 1122 An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 1478 An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1479, 1550, 1482, 713, 1297, 1166, 703, 1122, 1183, and 1478 read first time.

Assembly Bills Nos. 1479, 713, 1297, 703, and 1478 ordered referred to Committee on Judiciary.

Assembly Bill No. 1550 ordered referred to Committee on County Government.

Assembly Bills Nos. 1482 and 1166 ordered referred to Committee on Hospitals and Asylums.

Assembly Bill No. 1122 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 1183 ordered referred to Committee on Public Buildings and Grounds.

RECESS.

At one o'clock P. M., on motion of Senator Roseberry, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SUSPENSION OF RULE.

Senator Welch moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. B. Rydberg, of Oakland.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 47, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 47

A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and authority to regulate and control the business of furnishing certain communications and performing certain services to or for the public.

The Legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, the Senate of all the members elected to open of the first session of said Legislature, voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article twelve of the Constitution of the State of California be amended so as to read as follows:

SEC. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any railroad, streetcar, interurban railroad, street railroad, canal, pipe line, tunnel, or aqueduct, or any part of such railroad, canal, pipe line, tunnel, or aqueduct, within this State, for the transportation or conveyance of passengers or express matter, or freight of any kind, including mails, or for the transmission of telegrams or telegraphic messages, or for the production, generation, transmission, delivery or forwarding of heat, light, water or power, or for the depositing of storage of electric energy, either directly or indirectly, to or for the public, are hereby declared to be public utilities subject to such control and regulation as the Railroad Commission as may be provided by the Legislature, and except that of private corporations, individuals or associations of individuals, powers granted by the Legislature to be public utilities shall likewise be subject to such control and regulation.

The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in this State of California, and be the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the power of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be restricted by any provision of this constitution.

From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or county boards, or other governing bodies of the several counties, cities and counties, cities and towns in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with powers so conferred upon the Railroad Commission, provided, however, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated town as, at its election, to be local pursuant to laws to be passed hereafter by the Legislature, a majority of the members of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired, but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law, and provided, further, that where any such city and county or incorporated city or town shall have elected to surrender any powers respecting public utilities, it may, by vote of a majority of its members, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature, or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power.

Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion of Senator Roseberry to reconsider the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 842 was refused passage, be made a special order for Thursday, March 16, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

SENATOR STROBRIDGE IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Strobbridge, of the Thirteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 47.

The following amendment to Senate Constitutional Amendment No. 47 was offered by Senator Wright:

On page 2, strike out the semicolon after the word "commission", and insert in lieu thereof a period.

Also: Strike out all of the remainder of line 43 and all of line 44 and the remainder of the paragraph, to and including line 60, on page 3.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bills, Cartwright, Curtin, Lewis, Martinelli, Roseberry, Shanahan, and Wright—8.

NOES—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Caminetti, Finn, Gates, Hewitt, Holahan, Hurd, Juddard, Regan, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Wolfe—21.

The following amendments were offered by Senator Thompson:

By inserting, in line 46, before the word "town", the words "city or".

Amendment adopted.

Also:

By striking out of line 47, the word "electors", and inserting in lieu thereof the words, "qualified electors voting thereon".

Amendment adopted.

Also:

By striking out of line 55 the word "electors", and inserting in lieu thereof the words, "qualified electors voting thereon".

Amendment adopted.

Senate Constitutional Amendment No. 47 read, ordered to print, and on file.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—was refused adoption, the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15 was refused adoption be made a special order for Friday, March 17, 1911, immediately after the consideration of second-reading file of Assembly bills.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 50, the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 50

A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

The Legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature, meeting in joint session, hereby proposes the following amendment to article twelve of the Constitution of the State of California:

First. Section twenty of article twelve is hereby amended to read as follows:

Sec. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any cargo included therein with or incidental thereto under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.

Second. Section twenty-one of article twelve is hereby amended to read as follows:

Sec. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between classes of persons or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Provided, however, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates.

Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make

reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 50 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—30.

NOES—None.

Assembly Constitutional Amendment No. 50 ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 6, the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 6.

A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties.

The Legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-two of article twelve of the Constitution of the State of California be amended so as to read as follows:

Section 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided, further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salary of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Railroad Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Railroad Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the com-

commissioners when in session as a board shall be deemed to be the act of the commission, but any investigation inquiry or hearing which the commissioners have power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every holder shall be a commissioner so designated, pursuant to such inquiry, investigation or hearing, unless approved or confirmed by the commission unless and in the other, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charge for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different rate of charge for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies, to hear and determine complaints against railroad and other transportation companies, to issue subpoenas and all necessary process and writs for persons and papers, and the commissioners and each of the commissioners shall have the power to administer oaths, take testimony and provide for witnesses in the examination and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein, which are not inconsistent with the powers conferred upon the Railroad Commission by this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal or amend or to give any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be amended with reference to this constitutional provision and any other constitutional provision involving operation concurrently herewith. And the said Act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted subsequently hereon, except that the three commissioners referred to in said Act shall be four and constituted by the five commissioners provided for herein.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Burnett moved a call of the Senate.

Motion carried.

Time, five o'clock and thirty five minutes p. m.

The President pro tem, directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cammetti, Campbell, Cassidy, Curtin, Cutton, Fann, Gates, Hewitt, Heishan, Hoed, Juhlhard, Larkins, Lewis, Martinelli, Regan, Rossberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and thirty-six minutes p. m. Senators Cartwright and Strobridge were brought to the bar of the Senate, and, on motion of Senator Bills, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and forty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Burnett.

The roll of absentees was called, and Assembly Constitutional Amendment No. 6 finally adopted by the following vote:

AYES—Senators Avey, Bohan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Finn, Gates, Hewitt, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—31.

NOES—Senators Hurd, Larkins, Martinelli, Sanford, Shanahan, and Wolfe—6.

Assembly Constitutional Amendment No. 6 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 842 was refused passage, be made a special order for Friday, March 17, 1911, at ten o'clock and thirty minutes A. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Hurd moved that the vote whereby Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 533 was refused passage, be made a special order for Friday, March 17, 1911, at four o'clock P. M.

Motion carried.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Stetson moved that the vote whereby Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials—was adopted, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and motion to reconsider Assembly Constitutional Amendment No. 28 carried by the following vote:

AYES. Senators, Avey, Behan, Bell, Bell, Birdsell, Black, Brainer, Brainer, Burnett, Campbell, Cartwright, Cress, De Cuir, Cottle, Foss, Gentry, Hendon, Hurd, Julliard, Larkins, Lewis, Mortimer, Rogers, Rosenthal, Ross, Sargent, Seaton, Strohbridge, Thompson, Tyrrell, Wacker, Wells, and Wright, 33.

NOES. None.

CONSIDERATION OF BILL—(OUT OF ORDER.)

Senator Stetson asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials—for consideration, out of order, for the purpose of amendment.

The following amendments were offered by Senator Stetson:

On page 1, line 11, after the word "except" insert the following: "in the members of the Railroad Commission of this State and officers and members of such commission and"

Amendment adopted.

Also:

On page 1, line 13, after the word "Commission", insert the following: "and of the officers or employees of the Railroad Commission"

Amendment adopted.

Assembly Constitutional Amendment No. 28 read, ordered to print, and on file.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER.)

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT. Your Committee on Finance, to whom was referred Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 1257 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor,

Also: Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville County road to the western terminus of Lake Tahoe wagon road at Smith's Flat, a state highway, and making an appropriation therefor.

Also: Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March 24, 1893, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create the office of Lake Tahoe wagon-road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by amending Sections 1, 1½, 2, 3, 6, 7 and 17 thereof, and by adding a new section thereto to be numbered Section 20½, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries, have had the same under consideration, and respectively report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Assembly Bills Nos. 42, 519, and 961 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 166—An Act asking for an additional appropriation of one hundred and fifty thousand dollars for the purpose of building, equipping, and furnishing an armory in the city of Los Angeles, the same to be used for the National Guard and National Guard purposes.

Also: Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 166, 462, and 1241 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

CUTTEN, Chairman.

Assembly Bill No. 1216 ordered re-referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 58, An Act establishing a state normal school at Fresno, Fresno or Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Also, Assembly Bill No. 27—An Act making an appropriation for the purchase and custody of the custom house at Monterey, California.

Also, Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power, fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the removal of licenses granted hereunder, providing for the issuance of licenses for the use of water for generating electricity or electrical or other power and limiting same under such license, prohibiting the appropriation of water for any use of water for generating electricity or electrical or other power for a longer period than twenty years; limiting the rights to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated, declaring certain water to be unappropriated, reserving for the protection of licensees to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water, reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated only for such purposes shall be sold, reserving to the State the right to impose charges for use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust or combination of agents in the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a state board of control governing the powers and duties of said Board of Control and fixing their compensation, reserving persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control, providing for the appointment and compensation of members and members to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said Board of Control, declaring the diversion of use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor, and providing a penalty therefor, and also providing penalties for non-compliance with this Act, repealing all Acts and parts of Acts in conflict with this Act.

Also, Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects, providing for the appointment of said commission to be known as the "Conservative Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and compensating same therefor.

Also, Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319g, and 2319h of the Political Code of the State of California relating to the State Commissioner of Horticulture and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and the employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for appointment of additional officers, fixing their compensation and prescribing their duties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 58, 27, 735, 789, and 1152 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Also: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 730 and 1282 ordered on file for second reading.

SPECIAL ORDER SET.

Senator Strobbridge moved that the consideration of Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section 10 of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—be made a special order for Friday, March 17, 1911, at eleven o'clock A. M., or immediately after the special orders heretofore set for that hour.

Motion carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)—RESUMED

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

BELL, Chairman.

Assembly Bill No. 870 ordered on file for second reading.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, March 16, 1911.

To the Senate of the State of California:

I have the honor to advise your honorable body that I have this day made the following appointments:

Marshal Hale, of San Francisco, a member of the Board of State Harbor Commissioners, vice W. V. Stafford, of San Francisco, term expired.

J. J. Dwyer, of San Francisco, a member of the Board of State Harbor Commissioners, vice P. S. Teller, of San Francisco, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

HERMAN W. JOHNSON,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that the Senate advise and consent to the same.

AVEY, Chairman.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Marshal Hale, of San Francisco, a

member of the Board of State Harbor Commissioners, vice W. V. Stafford, of San Francisco, term expired?"

The roll was called, with the following result:

AYES—Senators Avery, Baker, Bell, Bess, Bingham, Burton, Bussard, Cassady, Cartwright, Cassidy, Fann, Gair, Hale, Howell, Hutton, Hunt, Larkin, Lockens, Lewis, Matthews, Regan, Roschella, Shannon, Stenssen, Stranberg, Thompson, Walker, Welch, and Wilkins. 20.

NOES—None.

Whereupon the President pro tem announced that the appointment of Marshal Hale, of San Francisco, a member of the Board of State Harbor Commissioners, vice W. V. Stafford, of San Francisco, term expired, had been duly confirmed.

The President pro tem put the question: "Will the Senate advise and consent to the appointment of J. J. Dwyer, of San Francisco, a member of the Board of State Harbor Commissioners, vice P. S. Teller, of San Francisco, term expired?"

The roll was called, with the following result:

AYES—Senators Avery, Baker, Bell, Bess, Bingham, Burton, Bussard, Cassady, Cartwright, Cassidy, Fann, Howell, Hutton, Hunt, J. J. Lockens, Lewis, Matthews, Regan, Roschella, Shannon, Stenssen, Stranberg, Thompson, Walker, and Welch. 20.

NOES—None.

Whereupon the President pro tem announced that the appointment of J. J. Dwyer, of San Francisco, a member of the Board of State Harbor Commissioners, vice P. S. Teller, of San Francisco, term expired, had been duly confirmed.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Bill No. 689—An Act to amend Sections 1720 of the Political Code of the State of California, relating to the governing, maintaining and management of union high schools, districts, union high school districts of an incorporated city or town—and report that the same has been properly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 689 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of each hotel—

Also: Assembly Bill No. 885—An Act to amend Sections 2, 3, 11 and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 21, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REGAN, Chairman.

Assembly Bills Nos. 490 and 885 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

REGAN, Chairman.

Assembly Bill No. 1383 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District Number 831," and providing for the control and management thereof.

Also: Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bills Nos. 1375, 1472, and 1474 ordered on file for second reading.

CONSIDERATION OF CONCURRENT RESOLUTION—OUT OF ORDER

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19 for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 19.

Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

WHEREAS, The city of Los Angeles in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455), and.

WHEREAS, The city council of said city of Los Angeles did, by ordinance designated as Ordinance No. 21,557 (new series), adopted by said city council on the 30th day of December, 1910, and approved by the mayor of said city on the 30th day of December, 1910, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles fourteen certain amendments, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911; and,

WHEREAS, Said fourteen proposed amendments hereinafter set forth were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal", said publication ending on the 23d day of January, 1911; and.

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance No. 21,755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which last mentioned date was at least forty days after the publication of said fourteen proposed amendments hereinafter set forth, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal", and did provide

in said ordinance for the submission of said fourteen proposed amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments hereinafter set forth to said charter; and

WHEREAS, The city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly announced the outcome of said special election and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter; and

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 7th day of March, 1911, duly certify to the outcome of said election of said city of Los Angeles of said fourteen proposed amendments to said charter and to the ratification of said fourteen amendments and did further certify to a copy of said proposed amendments, authenticated by the seal of the said city of Los Angeles, which said certificate is in words and figures following to wit:

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CITY OF LOS ANGELES

ss.

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES.

We, the undersigned, Geo. Alexander, mayor of the city of Los Angeles, State of California, and Lavin A. Handley, city clerk of said city, do hereby certify as follows to wit:

That the city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1880 and is now organized and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889, (Statutes of 1889, p. 455).

That the city council of said city of Los Angeles did, by Ordinance No. 21,557 (new series), adopted by said council on the 30th day of December, 1910, approved by the mayor of said city on the 30th day of December, 1910, and published in Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to the qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911, which said amendments were and are in words and figures as follows to wit:

CHARTER AMENDMENT NUMBER ONE

That Article I of the charter be amended to read as follows:

ARTICLE I

INCORPORATION AND POWERS

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Beginning at the northwest corner of Section 2, township 1 south, range 14 west, S. R. M., thence south along the west line of said section to the south line of lot 46 of Hollywood Heights, as shown on a map recorded in book 1, page 48, of maps, records of Los Angeles County, State of California, thence easterly, northerly, westerly, southerly and westerly along the southerly line of said lot 46, to the west line of said lot, thence west along the east and west center line of Section 3 of the township and range heretofore mentioned, to the west line of said section 3, thence south along the said west line to the northwesterly line of the Rancho La Brea, thence southwesterly along the northwesterly line of said rancho to the north line of Section 9 of the township and range heretofore mentioned, thence west along the north line of said section 9 to the northeast corner of section 8 of said township and range, thence west along the north line of said section 8 a distance of eight chains, thence southerly and parallel to said distant eight chains west of the east line of said section 8 to the south line of the northeast quarter of said section 8, thence easterly along said line to the west line of Crescent avenue, as said avenue is shown on a map recorded in book 54, page 52, of miscellaneous records of said county, thence south along the west line of said Crescent avenue to the north line of Fountain avenue, as shown on said map, produced westerly; thence easterly along said prolongation and the north line of said Fountain avenue

to its intersection with the easterly line of La Brea avenue (formerly Plummer street), as shown on map of Tonner and Garbutt's subdivision of the S. W. Lotte Tract, as recorded in book 19, page 30, of miscellaneous records of said county; thence south along the easterly line of said La Brea avenue to the north line of Fountain avenue, as shown on map of Hollywood square recorded in book 19, page 77, of maps, records of said county; thence easterly along the present north line of Fountain avenue to a point distant 225 feet westerly of the center line of Seward street, as shown on the map of Colegrove recorded in book 53, page 10, of miscellaneous records of said county; thence south 6 minutes east parallel to that portion of said Seward street lying north of Santa Monica avenue and its southerly prolongation, to an intersection with the northerly prolongation of the westerly line of Victoria Park, as recorded in book 12, page 2, of maps, records of said county; thence southerly along said prolongation and the westerly line of said Victoria Park and its southerly prolongation, to its intersection with the westerly prolongation of the southerly line of that portion of the right of way of the Los Angeles Pacific Railway Company lying southerly of said Victoria Park and easterly of Sherman drive, as shown on the map of said Victoria Park; thence easterly along the said production and the southerly line of the right of way of said railway company, to the northwest corner of lot 24 of the Crenshaw Boulevard Tract, as recorded in book 8, page 68, of maps, records of said county; thence southerly along the westerly line of said Crenshaw Boulevard Tract and the westerly line of Jackson Arlington Heights Tract, as recorded in book 8, page 22, of maps, records of said county, and the southerly prolongation of the last mentioned line, to an iron pipe in the center line of Washington street, as shown on the county surveyor's map No. 5330, on file in the office of the county surveyor of said county; thence southerly in a direct line to the northwest corner of lot 1 of Harry Jackson Tract No. 2, as recorded in book 9, page 133, of maps, records of said county; thence southerly along the westerly line of said last mentioned tract to the southwest corner of lot 50 of said tract; thence southeasterly in a direct line to the southeast corner of lot 61 of said tract; thence southeasterly in a direct line to the southeast corner of lot 14 of the Home Villa Tract, as recorded in book 72, page 25, of miscellaneous records of said county; thence southerly in a direct line to a point in the southerly line of Adams street, said point being distant 47.30 feet easterly from the north common corner of lots 12 and 13 of said Home Villa Tract; thence easterly along the south line of Adams street, 65.15 feet to its intersection with the southerly line of Montclair street; thence south 37° 3' east along the southerly line of Montclair street and its southerly prolongation, a distance of 1216.60 feet to an iron pipe; thence south 63° 38' east parallel to and distant 201.3 feet from the center line of a portion of Montclair street, a distance of 596.3 feet to an iron pipe in the line between lots 3 and 5 of the hereinbefore mentioned Home Villa Tract; thence south 89° 58' east, parallel to and distant 180 feet from the center line of the third portion of Montclair street, a distance of 270 feet to an iron pipe; thence south 4° west, parallel to Eighth avenue, in the West Jefferson and Seventh Avenue Tract, as recorded in book 11, page 123, of maps, records of said county, to the intersection of the center line of West Jefferson street with the westerly line of said West Jefferson and Seventh Avenue Tract; thence southerly along the westerly line of said tract and its southerly prolongation to the southeast corner of lot 4 of the hereinbefore mentioned Home Villa Tract; thence south 15° 37' west, parallel to the west line of the depot grounds of the Southern Pacific Railroad as inclosed, a distance of 465 feet to an iron pipe set 40 inches in the ground; thence south 74° 23' east a distance of 3064.75 feet to an intersection with the easterly boundary line of the Rancho Cienega 6 Paso De La Tijera; thence northerly along the easterly line of said rancho a distance of 40 feet to the north line of section 11, township 2 south, range 14 west, S. B. M.; thence east along the north line of said section to the northwest corner of the northeast quarter of said section; thence south along the north and south center line of sections 11, 14, 23 and 26, township 2 south, range 14 west, S. B. M. to the south line of said section 26; thence east along the south line of sections 26 and 25 of said township and range, and of section 30, township 2 south, range 13 west, S. B. M., to a point 10 feet distant east of the range line dividing said ranges 13 and 14; thence south running parallel to and 10 feet distant east of said range line, to its intersection with the northerly line of the Gardena Tract of the Rancho San Pedro, as recorded in book 8, page 89, of maps, records of said county, and in book 43, page 5, of miscellaneous records of said county; thence southwestwardly along the northerly line of said tract to its intersection with a line parallel to and 10 feet distant east of the center line of Orange avenue, as shown on the map of the said Gardena Tract; thence southerly along a line parallel to and 10 feet distant east of the center line of said Orange avenue, to its intersection with the northerly line of lot 4 of the partition of the estate of J. B. Ducazu, recorded in book 59, pages 15 and 16, of miscellaneous records of said county; thence southerly in a direct line to the northeast corner of block 107 of the McDonald Tract of Rancho San Pedro, recorded in book 15, pages 21 and 22, of miscellaneous records of said county; thence southwestwardly and westerly along

the northerly line of said block 107 and of block 108 at said tract, to the southeast corner of said block 105, thence northwesterly in a direct line to the southeast corner of lot 1 of the Tract of Ana Josefa de Dominguez in block 2, page 61 of maps, records of said county, thence westerly in a direct line to the south and corner of block 72 of the homestead mentioned McDonald Tract, thence easterly in a direct line to the southeast corner of block 70 of said McDonald Tract, thence southeasterly in a direct line to the northeast corner of lot 14 of Peck's subdivision of lot 3 and a portion of lot 11 of the partition of Rancho Los Palos Verdes as recorded in the county filed map No. 141, and as shown on maps found in book 4, page 48, of records of said county, records of said county, thence southeasterly along the southerly line of said lot 14 to the southeast corner of said lot, thence southeasterly in a direct line to the point of intersection of the northerly prolongation of the southerly line of Mission street of the city of San Pedro, as said lot 14 is shown on the subdivision map with the city of Los Angeles with the southerly line of lot 7 of the subdivision of lot M of the original partition of Rancho Los Palos Verdes as shown on maps found in book 1, page 47, of records of said county, records of said county, thence southeasterly along the southerly line of said lot 1 to its intersection with the southerly prolongation of the westerly line of that portion of Mission street being between First street and Seventh street in the said city of San Pedro, thence southeasterly along said prolongation and the westerly line of said Mission street to the intersection with the northerly line of said Seventh street, thence southeasterly in a direct line to the northeast corner of block 22 of Peck's Grand View Tract as recorded in book 8, page 79, of maps, records of said county, thence southeasterly along the southerly line of said Peck's Grand View Tract to the northeast corner of said tract, being in the westerly line of Leland street of said tract, thence southeasterly along the westerly line of said Leland street to its intersection with the southerly line of Hampton avenue, thence northwesterly along the southerly line of Leland street to the intersection with the westerly line of Graham street from the point of intersection of Hampton street of said city of San Pedro, thence due south to the southerly boundary line of the county of Los Angeles; thence easterly along the southerly boundary line of the said county, to a point due south of the northeast corner of block 10 of the partition of East San Pedro as recorded in book 52, pages 51 and 58, of records of said county, miscellaneous records of said county, thence due north to the northeast corner of said block 10, thence northwesterly across intervening streets in straight lines, and along the northerly line of blocks 10, 11, 12 and 13 of said tract, to the north and west corner of block 14 of said tract, thence northwesterly in a direct line to the southeast corner of lot 2 of Victoria Island, as shown on records of said county No. 133, records of said county, thence northwesterly along the northerly line of said lot 2, to the northeast corner of said lot, thence northwesterly in a direct line to a point, said point being the most easterly point of the city of Wilmington as incorporated on December 29, 1905, thence northwesterly in a direct line to a point in the east line of the right of way of the San Pedro branch of the Southern Pacific Railroad Company, said point being the intersection of the southerly line of said right of way with the easterly prolongation of the northerly line of New San Pedro or Wilmington, as recorded in book 6, pages 66 and 67 of maps, records of said county, thence westerly along the said prolongation and the southerly line of the said New San Pedro and the westerly prolongation of said southerly line to the easterly line of the Rancho Los Palos Verdes as recorded in book 2, pages 544 and 545 of patents, records of said county, thence southeasterly along the easterly line of said rancho to the southerly line of the Wilmington and Salt Works road as shown on map of Peck's subdivision of lot J and a portion of lot 11 of the partition of Rancho Los Palos Verdes heretofore mentioned, thence westerly along the southerly line of the said Wilmington and Salt Works road to the northeast corner of lot 3 of the last mentioned Peck's subdivision, thence northerly in a direct line to the intersection of the easterly line of Thompson road with the northerly line of Ocean street, as both are shown on a map filed in case No. 1284 in the Superior Court of Los Angeles County, State of California entitled "In the matter of the petition of Ana Josefa de Dominguez et al. for partition real property," said point of intersection being the southwest corner of the real property owned to Victoria Dominguez de Carson by decree of said court made and read on June 29, 1885, in the above entitled matter, thence northerly along the easterly line of said Tomlinson road to the northwest corner of the real property owned to Maria de Los Reyes Dominguez by the aforesaid decree, thence westerly and northwesterly along the northerly line of the last mentioned property to its intersection with the prolongation of the easterly line of Olive street, as shown on the map of the South Gardens Tract recorded in book 43, page 39, miscellaneous records of said county, thence northerly in a direct line to the northwest corner of lot 14 of said tract, thence westerly in a direct line to the southwest corner of lot 7 of the Dominguez Tract, recorded in book 53, page 12, also in book 59, pages 15 and 16, both of miscellaneous records of said county, thence northerly in a direct line to the northwest corner of lot 2 of the Gardens Tract, as recorded in book 190, pages 85 and 86, miscellaneous records of said county, thence northwesterly along the north and westerly line of said lot 2 to a point distant 150 feet east of the north and south

center line of section 19, township 3 south, range 13 west, S. B. M.; thence north and parallel to and 150 feet distant easterly of the center line of sections 19, 18, 7 and 6 of township 3 south, range 13 west, S. B. M., and of section 31, township 2 south, range 13 west, S. B. M., to south line of section 30 of said township and range; thence east along the south lines of sections 30, 29 and 28 of last mentioned township and range, to a point 40 feet distant easterly of the west line of said section 28; thence north, parallel with and 40 feet distant easterly of the west line of sections 28, 21 and 16, said last mentioned township and range, to a point 50 feet distant northerly of the south line of said section 16; thence east through sections 16 and 15 of said last mentioned township and range, parallel with and 50 feet northerly of the south line of said sections to the westerly line of the street along which the Southern Pacific Railroad tracks are laid (commonly known as Alameda street); thence northerly along the westerly line of said street to the southerly boundary line of the city of Los Angeles, as same is described in charter granted by the Legislature of the State of California to said city in the year 1889; thence east along the said south charter boundary line to the southeast corner of said city; thence north to the southeast corner of the patent boundary of the city lands of the city of Los Angeles, as recorded in book 2, pages 38 and 39 of patents, records of said county; thence north along the east patent boundary of said city to the northeast corner of said boundary; thence due north to the southerly line of Highland Park Tract as recorded in book 5, page 145, and in book 6, pages 392 and 393, both of miscellaneous records of said county; thence easterly along said southerly line to its intersection with the center line of Avenue 57 (formerly Garvanza street); thence northerly along the center line of said Avenue 57 to an intersection with the southeasterly line of the right of way of the San Pedro, Los Angeles and Salt Lake Railway Company (formerly the Los Angeles Terminal Railway Company); thence northeasterly along the southeasterly line of said right of way to its intersection with the southerly line of block 55 of Ralph Rogers subdivision of part of Garvanza Tract, as recorded in book 12, page 61, of miscellaneous records of said county; thence easterly and northerly along the southerly and easterly line of blocks 55 and 50 of the last mentioned subdivision, to its intersection with the northerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company (formerly the Southern California Railway Company); thence easterly along the northerly line of said right of way to an intersection with the easterly line of the Rancho San Rafael, as recorded in book 3, pages 220 to 223, inclusive, of patents, records of said county; thence easterly, northeasterly, northerly along the said rancho line to its intersection with the center line of San Pascual avenue; thence northeasterly along the center line of San Pascual avenue to its intersection with the easterly prolongation of the southerly line of lot 63, block 17, of the Garvanza Addition No. 1, as recorded in book 9, page 45, of miscellaneous records of said county; thence westerly along said prolongation and the south line of lot 63 and its westerly prolongation, to its intersection with the center line of the alley through said block 17; thence northerly along the center line of said alley to its intersection with the easterly prolongation of the northerly line of lot 43 of said block 17; thence westerly along the said prolongation and the northerly line of said lot 43 and its westerly prolongation, to its intersection with the center line of Avenue 66 (formerly Cooper avenue); thence northerly along the center line of said Avenue 66 to its intersection with the San Bernardino base line; thence westerly along the said base line to its intersection with the center line of Avenue 57 (formerly Chicago street), as shown on the map of the New York Tract as recorded in book 19, pages 85 and 86, of miscellaneous records of said county; thence southerly along the center line of said Avenue 57 to its intersection with the center line of Aldama street (formerly Aliso avenue), as shown on the last mentioned map; thence westerly along the center line of said Aldama street to the center line of Avenue 54 (formerly Central avenue); thence northerly along the center line of said Avenue 54 to the center line of Aldama street from the west; thence westerly along and following the various courses of the center line of said Aldama street to its intersection with the center line of Avenue 50 (formerly Highland avenue), as shown upon the diagram of the subdivision of the Highland Park Tract as recorded in book 5, page 145, of miscellaneous records of said county; thence southerly along the center line of said Avenue 50 to its intersection with the easterly prolongation of the northerly line of lot 24 of the said subdivision of the Highland Park Tract; thence westerly along the said prolongation and the northerly line of the said lot 24, to the west corner of said lot; thence southerly in a direct line to the north corner of lot 16 of the subdivision of the Hunter Highland View Tract, as recorded in book 4, page 570, of miscellaneous records of said county; thence southerly to the west corner of said lot 16; thence southwesterly to the west corner of lot 15 of the last mentioned subdivision; thence due south to the north patent boundary line of the city of Los Angeles, hereinbefore mentioned; thence west along said patent boundary line to the southwesterly line of the right of way of the Southern Pacific Railroad Company; thence northwesterly along the southwesterly line of said right of way, following the various courses and curves thereof, to its intersection with the easterly prolongation of the northerly line of a strip of land conveyed by A. J.

Haney to G. J. Griffith by deed recorded in book 175, page 277 of books records of said county, thence westerly along said prolongation and the northerly line of said strip of land or its westerly prolongation to its intersection with the county boundary line of the land conveyed in the city of Los Angeles to G. J. Griffith, Griffith and Mary Agnes Christian Griffith, by deed dated March 1, 1898, and recorded March 5, 1898, in book 1226, page 40 of books records of said county, thence northerly, westerly, northwesterly, westerly, southeasterly, and northerly following the various courses of the county's northern, southeasterly, northerly, northwesterly and westerly boundary lines of the land conveyed by said deed to a point in the San Bernardino Pass line, said point being an angle of the boundary line of the city of Hollywood as said city extended west to its intersection with the city of Los Angeles; thence westerly along the said base line to the point of beginning.

SEC. 2. The city of Los Angeles, in addition to any other name that may be used by or that may hereafter be generally applied to it within the Commission or among the Signers, shall have the right and power

- (1) To provide and use a corporate seal, and to alter the same at pleasure;
- (2) To sue and be sued in all actions and proceedings;
- (3) To have perpetual succession;
- (4) To provide by resolution, laws, regulations,

(4) To provide, by private or public, industrial, agricultural, commercial or otherwise, the facilities, equipment, services, and other things necessary for the establishment, maintenance, improvement and repair of buildings, including rooms or galleries, museums, assembly or banqueting halls, schools, kindergarten, public playgrounds, gymnasiums, bath, public parks and similar outdoor recreation grounds, houses, abattoirs, municipal lodging houses and transient lodgings, dispensaries, infirmaries, hospitals, charitable institutions, free dispensaries, libraries, theatres, public houses of correction, workhouses, farm schools, music and drama schools, grammar schools, homes, cemeteries, crematoriums, morgues, garbage collection and refuse disposal and reduction works, street cleaning and sprinkling plants, gasworks, sewage disposal works, and other works, for the preparation, manufacture, handling or transportation of materials for the construction, completion, maintenance or repair of any public building, and the improvement or utility also any and all buildings, structures, works, roads and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

- (5) To provide for the care of the sick, the indigent and the helpless.

(6) To make and enforce all regulations which may be necessary and expedient for the preservation of health, and the prevention of the spread of, or the introduction into the city, of contagious, malignant, infectious, or other diseases.

(47) To provide for supplying the city and its inhabitants with water, gas and electricity, or any thereof, or with other means of heat, illumination, power or refrigeration; and to acquire, by purchase, lease, condemnation or otherwise, or to construct and to own, maintain, equip and operate, within or without the city, water works, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, in any of their forms.

(18) To provide for supplying surplus water, gas or electricity belonging to the city or the surplus product of any public utility conducted or operated by the city, to other municipal corporations, and to consumers and users outside of the city limits.

(49) To acquire by purchase, lease, condemnation or otherwise, or construct and to own, maintain, equip and operate, telephone systems and telegraph systems or other means of communication; also street railways, railroads and interurban railroads, steamships, steamboats, sailing vessels, ferries, cable cars, boats, launches, barge lines, and other means of conveyance, by land or water, between points within the city limits or from points within to points without the city limits, either within or without the State of California, for the purpose of transporting passengers and freight or either.

(10) To improve, maintain and alter the water front and docks of the city to accrete by purchase, lease, condemnation or otherwise, or to improve and to maintain, deepen, widen, cover wall or alter waterways, channels, locks and rapids, and to provide, by purchase, lease, condemnation or otherwise, or construct and to own, maintain, equip and operate elevators, warehouses, bunkers, wharves, docks, dry docks, piers, marine ways, levees, seawalls, moles, drawbridges and other structures and appliances for facilitating or accommodating commerce or navigation in waters within the limits of the city.

To license, regulate and control or restrain the landing anchorage, moorage, and loading and unloading of steamships, sternboats, sailing vessels, tug boats, rafts, and all other water craft, within the jurisdiction of the city, to provide for the appointment of pilots, and to fix the rates of wharfage, dockage, towage, pilorage and tolls, and provide for the collection thereof, and to make and enforce regulations governing the use of harbors and other navigable waters, and the opening and passing of bridges within the city.

(11) To acquire, by purchase, lease, condemnation or otherwise, or to construct, and to own, maintain, equip and operate tunnels, conduits, viaducts and subways; to regulate and control the use thereof, and to fix and collect charges for such use.

(12) To fix and collect rates or charges for the use of and for all products of, or service by, any public utility conducted or operated by the city.

(13) To establish, lay out, open, extend, widen, narrow, or vacate, pave or repave, or otherwise improve streets, lanes, alleys, boulevards, crossings, courts, and other highways and public places.

(14) To contribute, whenever the public interest or convenience of the city may require, toward the cost and expense of the construction, by any other municipality, or by any county, of any bridge, viaduct, tunnel, or other public work or improvement, situated without, or partly within and partly without, the city, upon such terms and conditions as may be prescribed by ordinance.

(15) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain and operate sewers, drains, sewage farms, and any other works or plants, within or without the city, for the collection, disposition or purification of the sewage or the storm waters of the city.

(16) To acquire, by purchase, condemnation or otherwise or to lease and to hold, manage and control property, both real and personal, within or without the city, necessary or convenient for municipal purposes, or for the exercise of the powers of the corporation.

To acquire, hold and own stock in any corporation owning, controlling or operating any street or interurban railway situated in whole or in part within the limits of the city.

To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations with power to manage, sell, lease, or otherwise handle or dispose of the same in accordance with the terms of the bequest, gift or donation.

(17) To sell, lease, convey or otherwise dispose of any or all the property of the city, subject to the limitations and exceptions elsewhere in this charter prescribed, and provided that the city shall have no power to mortgage or pledge its property for any purpose.

To sell water, gas, electric current and all products of any public utility operated by the city.

(18) To levy and collect taxes upon real and personal property for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes, other than the payment of interest on the municipal debt and the redemption of bonds, shall not exceed one dollar on each one hundred dollar's worth of taxable property.

(19) To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvements.

(20) To levy and collect annually a water assessment upon any lot or parcel of land which abuts on any street, alley or other public place, or portion thereof, in which distributing mains of the municipal water system are laid in front of such lot or parcel of land, and which property is not supplied with water therefrom, for the purpose of defraying the necessary expenses of conducting the department of the city government having charge of the distribution of water, of operating the municipal water works, and of making extensions, betterments and repairs of said works. Said assessments, as collected, shall be deposited in the treasury of the city to the credit of the fund known as the water revenue fund and shall be subject to control and expenditure as in the case of other moneys in said fund.

(21) To license and regulate the carrying on of any and all professions, trades, callings and occupations not prohibited by law; to fix the amount of license tax thereon, and prescribe the manner of enforcing the payment of the same; *provided*, that no discrimination shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done.

To license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, brick yards, dance halls or academies, public billiard or pool halls or tables, bowling and tennis alleys, boxing contests, sparring or other exhibitions, shows, circuses, games and amusements.

To license, regulate or prohibit the construction and use of billboards, signs and fences.

(22) To suppress and prohibit prize fights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling, and all articles or goods held, or kept or offered for sale, contrary to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent, disreputable or disorderly houses, practices or places of business.

(23) To provide for the election or appointment of officers other than those designated in this charter, whenever the public necessity or convenience may require, and

prescribe their duties and fix their compensation, provided that such laws shall not include any of the duties of any officer designated in this charter, or of his deputies or assistants.

(24) To fix the salaries of all municipal officers, except those whose salaries are fixed by this charter.

(25) To provide and maintain a police and officers for the city, and to prescribe and enforce such measures, rules and regulations as may be necessary and expedient for the protection and extermination of those and for the promotion and preservation of property and engaged life.

(26) To protect the property of the inhabitants of the city against trespassers.

(27) To provide for the collection and disposal of garbage, refuse, and especially refuse, dead animals, ashes, rubbish and waste material, and all other rubbish, and improvement matter.

(28) To provide for the use, government and control of all property, buildings, institutions and public places of the city.

(29) To incur indebtedness, by the issuance of bonds, for any of the purposes in which the city is authorized to provide, on the borrowing out any of the money possessed by the city, provided that it is necessary for the creation of such bonds indebtedness, and for the issuance of such bonds, the printed word of the State of California, in force at the time such proceedings are taken, shall, so far as applicable, be observed and followed.

(30) To fix and determine the rates of compensation to be allowed by any person, firm or corporation, for water, gas, electric current, telephones, heat, light, power, telephones, telephone service or communications, in the transmission of messages or freight, by means of street railways, cars, tracks, trolleys or other lines or means of hire, or for the products of, or service by, any other public utility operated or conducted within the city limits, and to authorize the council and utility or public utility service.

To regulate, subject to the provisions of the Constitution of the State of California, the construction and operation of railroads, interurban electric street railways, or other means of transportation, electric power works, and bridges or ferries for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, and the works or plants of any other public service utility.

(31) To make the violation of its ordinances a misdemeanor, and to prescribe the punishment therefor by fine not to exceed two hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment, according to law; that any person sentenced to imprisonment for any such violation, shall, upon the order of the court or magistrate before whom the conviction is had, be committed to the city jail, branch city jail, work house, work farm, house of correction, detention home or other place provided by the city for the confinement, detention or punishment of offenders; and that any person, upon whom a fine or penalty for any such violation shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be so sentenced, and such fine or penalty shall be fully paid, such payment to be made in such manner as shall be provided by ordinance; and provided, further, that, in the case of any future judgment or fine or imprisonment for any such violation may be sustained upon any conviction had before such court or magistrate upon such terms and conditions as may be provided by ordinance.

(32) To provide for the confinement and reformation of vagrants, disorderly persons and persons convicted of violating any city ordinance, or of committing any misdemeanor, to make provision for housing or confining female offenders separately from male offenders, and provision shall be made for confining or housing minor offenders separately from adults, also to provide for the care, training and reformation of minor offenders, delinquents or dependents.

(33) To provide the places at which elections shall be held, and to appoint the officers of election.

(34) To make and enforce within its limits such laws, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(35) To have and exercise jurisdiction outside of the city, as follows, to wit: Whenever it shall be authorized by the laws of the State of California, the city of Los Angeles shall have jurisdiction outside of its territorial limits, to be exercised by ordinance, for the following purposes:

First—To enforce the health and quarantine regulations of the city in and near all places within one mile beyond its limits, and to make such regulations applicable to such outside territory.

Second—To control or prohibit the erection or maintenance of ornamental, or of any offensive or unwholesome business or establishment within one mile outside of the city limits, and to provide for the prevention, suppression or abatement of nuisances in such outside territory.

Third—To suppress or prohibit houses of ill fame or assignation.

Fourth—To control commerce and navigation in or upon navigable waters to the extent of three miles outside of the limits of the city, and to regulate the use of such waters.

be granted, sold, leased, or otherwise disposed of, this shall not prevent the State, by ordinance of franchisees or rights to certain uses, from not to make such a grant therefrom.

That Section 12 of the statute be amended to read as follows:

Sec. 12. All legislative power of the city, except as hereinafter otherwise provided, is vested in the council, subject to the power of veto and amendment by the mayor, as hereinafter given, and shall be exercised in conformity with the powers of the council may be by order upon motion.

That Section 17 of the Charter be amended to read as follows:

Sec. 17. All bonds or other securities required by the council or clerk to be given by any contractor with the city, except as otherwise provided by law, shall be filed with the city clerk and be subject to inspection by the council. The date of their issuance, which indorsement shall be signed by the governing officers of the council and the city clerk.

No officer of the city shall be a deputy or clerk of any board or committee of the city.

That Section 18 of the Statute be amended to read as follows:

Sec. 18. No person at the request of any other officer, agent or informant, directly or indirectly, or any person to whom the city is a party or made by any board or officer of the city, in behalf of the city or on the city's behalf, any property, real or personal, the same, and its consideration or which is payable from the city treasury, or in the purchase of any thing, growth, soil or mineral, belonging to the city, or in the transaction, sale or purchase of any thing, shall be made. If any officer of the city shall, during the term for which he was elected or appointed, intentionally become so engaged, he shall, upon expiration of term, forfeit his office and be punished for malfeasance. Any contract, negotiation or agreement, in which any officer of the city shall be so involved, shall be void as the election of the city, to be declared by a resolution of the council. The council shall enforce the provisions of this section by appropriate legislation.

That Section 21 of the charter be amended to read as follows:

Sec. 21. The council shall be the judge of the election and qualifications of its members. It shall admit any of its members or its governing officers, now or hereafter styled the president of the council, and who shall be sworn to obedience of the charter or his absence from the city, to be its mayor of the city. The council shall have power to prescribe the rules of its proceedings, and to prescribe oaths of its members, and may punish contemptuous or disobedient members committed to the gaol, by a fine not exceeding fifty dollars, or by imprisonment not exceeding two days, or by both each time and once a month.

That Section 23 of the statute be amended to read as follows:

Sec. 23. It shall, except as otherwise provided herein, provide suitable rooms and offices for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the transaction of the public business.

That Section 26 of the chapter be amended to read as follows:

Sec. 26. It shall make such arrangements as it may deem best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the police courts, and may, by contract, employ persons so imprisoned or sentenced to imprisonment to work for the city within or without any city and health care, workhouse, work farm, house of correction, detention home, or any other place provided by the city for the punishment or reformation of offenders, not exceeding eight months and working not exceeding *however* that for each week the person so employed shall be paid and paid to for each day's work on account of such time and services.

That Section 29 of the charter be amended to read as follows:

Sec. 29. It shall be unlawful to place any marks, initials, signatures, automobiles, express wagons and other vehicles for hire and provide a schedule of the charges of any such hack, carriage, automobile, express wagon or other vehicle, to be posted thereon.

That Section 30 of the Charter be amended to read as follows:

See 30. It shall, by ordinance, regulate the location, and determine the character and height of buildings that may be erected thereon, and the nature of the materials to be used in the construction, repair or alteration of such buildings, or in the repair or alteration of existing buildings within such districts.

It shall, by ordinance, regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging and false work and other structures, prevent the erecting and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and provide for their summary destruction or destruction; regulate the materials used in and the method of construction of foundations and foundation walls; the manner of construction and location of drains and sewers; the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes; and the materials used in, and the method of piping buildings or other structures, for the purpose of supplying the same with water, steam, oil or gas; and prohibit the construction of buildings and structures which do not conform to such regulations.

That Section 31 of the charter be amended to read as follows:

Sec. 31. It shall have power, by ordinance, to regulate the size, quality and location of all water pipes, gas pipes and all other pipes and conduits laid or constructed in the streets, highways and public places of the city, and to require the filing of charts and maps of such pipes and conduits; also to regulate or prohibit the placing or maintaining of poles and the suspending of wires along or across any of the streets, highways and public places of the city, and to cause the removal and placing under ground of all telephone, telegraph, electric light, or other wires, within the city, or within any designated portion thereof.

That Section 32 of the charter be amended to read as follows:

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells and other noises.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles.

It may, by ordinance, authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events or demonstrations as the council may deem proper.

It may, by ordinance, authorize the offering of rewards for the apprehension and conviction of any person who may have committed a felony in the city, and for the recovery of lost property of the city, and provide for the payment of such rewards.

That Section 35 of the charter be amended to read as follows:

Sec. 35. It shall, by ordinance, regulate the length of railway trains which may pass along the public streets or highways, and prohibit the making up of railway trains on the public streets and the stopping of trains on street crossings.

That two new sections be added to the charter immediately after Section 36*g* thereof, to be known as Section 36*h*, and Section 36*i*, respectively, and to read as follows:

Sec. 36*h*. It may, by ordinance, provide for the creation and organization of a commission on the city plan, to serve without compensation, and prescribe the powers and duties of such commission.

Sec. 36*i*. It shall, by ordinance, regulate the amounts to be paid, loaned, contributed or expended, or otherwise provided, directly or indirectly, to, for or by candidates for nomination for elective offices voted for at primary nominating elections, or services of any kind to be rendered to or for such candidates, in order to secure or aid in securing their nomination, and regulate the amounts to be paid, contributed or expended, directly or indirectly, to, for or by candidates voted for at any general election, or services of any kind to be rendered to or for such candidates in aid of their election, and provide suitable penalties for the violation of such regulations.

That a new section be added to the charter immediately after Section 37 thereof, to be known as Section 37*a*, and to read as follows:

Sec. 37*a*. If any ordinance be presented to the mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the ordinance. In such case he shall append to the ordinance at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed by the council, notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as ordinances which have been disapproved by the mayor.

That a new section be added to the charter immediately after Section 38 thereof, to be known as Section 38*a*, and to read as follows:

Sec. 38*a*. All lawful city ordinances, resolutions and regulations in force at the time this section takes effect, and not inconsistent with the provisions of this charter, are hereby continued in force until the same shall be duly amended or repealed.

That a new section be added to the charter immediately after Section 39 thereof, to be known as Section 39*a*, and to read as follows:

Sec. 39*a*. No ordinance shall be passed finally on the day it is introduced, but the same shall be laid over for one week, unless approved by unanimous vote of all the members of the council present; *provided*, there shall be not less than seven members present.

That Section 223 of the charter be amended to read as follows:

Sec. 223. The indebtedness of the city of Los Angeles must not exceed three per centum of the assessed value of all taxable real and personal property within the city, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring, constructing or completing waterworks, gas, electric light and power works or plants, wharves, docks, piers, warehouses and other utilities upon the water front, harbor improvements, and for any revenue-producing public utility. For any or all of these purposes a further indebtedness may be incurred, not exceeding twelve per centum of such assessed value.

CHARTER AMENDMENT NUMBER TWO

That Article II of the charter be amended to read as follows:

ARTICLE II

OFFICERS OF THE CITY AND SCHOOLS

Sec. 3. The officers of the city shall be:

- A mayor.
- Nine councilmen.
- A city clerk.
- A city treasurer.
- A city auditor.
- A city tax and finance collector.
- A city school superintendent.
- Seven members of the board of education.
- Five directors of the Los Angeles public library.
- A city assessor.
- A city engineer.
- A city attorney.
- A city prosecutor.
- Three police commissioners.
- A chief of police.
- Three fire commissioners.
- A chief engineer of the fire department.
- A health commissioner.
- Five public service commissioners.
- A chief engineer of water works.
- An electrical engineer.
- Three park commissioners.
- Three commissioners of public works.
- A secretary of the board of public works.
- A purchasing agent.
- Three commissioners of public utilities.
- Three harbor commissioners.
- Five playground commissioners.
- Nine municipal art commissioners.

Sec. 4. The following officers shall be elected by the citizens of the city of Los Angeles at large:

- The mayor.
- The city attorney.
- The city auditor.
- The city assessor.
- Seven members of the board of education, and
- Nine members of the council.

Sec. 5. All elective officers shall hold their offices for a term of four years, commencing on the first Monday in January next succeeding their election, at twelve o'clock M., *provided, however*, that the term of office of the present elected officers of the city shall expire on the first Monday in January, 1912, and *provided further*, that the term of office of the city auditor and the city assessor, elected at the general municipal election held in 1911, and of the four members of the council and the two members of the board of education, respectively, receiving the highest number of votes at said general municipal election, shall expire on the first Monday in January, 1916, and the terms of office of the mayor, the city attorney, and of the other five members of the council and the other three members of the board of education, respectively, shall expire on the first Monday in January, 1914. If it should be impossible to determine, in any case, the highest number of votes by reason of two or more officers having received an equal number of votes, that those so tied shall choose by lot the four-year term of office. The result of such determination shall be spread upon the minutes of the council and become a public record. At the general municipal election to be held every fourth year after December, 1911, the city auditor, the city assessor, four members of the council, and four members of the board of education shall be elected. At the general municipal election to be held every fourth year after December, 1913, the mayor, the city attorney, five members of the council, and three members of the board of education shall be elected.

Sec. 6. The mayor shall appoint a clerk of the mayor, the chief of police, the chief engineer of the fire department, and the health commissioner. He shall also appoint, subject to confirmation by a majority of the council, the officers of the municipality mentioned in this charter whose appointments are not otherwise specially provided for herein.

Sec. 7. The city school superintendent shall be appointed by the board of education.

Sec. 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of

his official duties, or is removed from office, or fails to qualify within ten days from the time he receives his certificate of election or appointment, or shall have been absent from the city without the consent of the council for more than sixty consecutive days, or ceases to be a resident of the city, where residence therein is, by this charter, made a qualification for the office.

Sec. 9. All appointed officers of the city shall, unless otherwise provided in this charter, hold their offices for a term of four years, and until their successors are appointed and qualified, *provided*, that the appointing power shall have the power of removal in all cases. Where confirmation is required, the assent of the confirming body shall be requisite for removal.

The council may suspend any elective officer, and the appointing power may suspend any appointive officer, pending trial, against whom criminal proceedings, based on malfeasance or misdemeanor in office, or civil action for the recovery of money due the city has been commenced, and appoint a substitute for such officer during such suspension.

In all voting upon the appointment, confirmation, suspension and removal of officers, the members of the council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

Sec. 10. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

Sec. 11. No member of the council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the council; nor shall any member of the council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled, or appointment to which is subject to confirmation, by the council.

That Article XIX of the charter be amended to read as follows:

ARTICLE XIX.

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city and for all other purposes, are of three kinds:

- (1) Primary nominating elections.
- (2) General municipal elections.
- (3) Special elections.

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December of every odd numbered year, commencing with the year 1911. At the general municipal election in 1911 all the elective officers of said city provided for by this charter shall be elected.

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election, at twelve o'clock M., and shall, except as otherwise provided in this charter, serve for four years, and until their successors have been elected and qualified; *provided*, that any person elected to fill a vacancy shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

Sec. 197. In the event of a vacancy in the office of member of the board of education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the council shall fill the same by appointment. In each case, the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding general municipal election, if any, occurring prior to the expiration of such term; and if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Sec. 198. The council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this charter, or by ordinance; *provided*, that in case such proposition or question is required by the said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

Sec. 198a. Any proposed ordinance which the council itself might adopt, may be submitted to the council by a petition filed with the city clerk, as provided in Section 198b, praying for the adoption of such ordinance, or, if the same be not adopted, that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Such petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis upon which such percentages of qualified electors of the city shall be estimated shall be

the total number of votes cast for all candidates for the office or offices at the last general municipal election, given to the kind of said petition on which a motion was elected.

Sec. 198b. Any petition submitted is presumed authentic to the council, as provided in this article until its return, and shall be signed, filed and certified as follows:

In making such petition, printed or white paper or a suitable one which is very thin shall be substantiated, written in capital letters. Such petition shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the proposed ordinance, and shall be signed by the signers, and shall be fastened thereto, by means of buttons, that if not paper, it shall be of some kind that it shall be and remain securely fastened together at the top. The signatures and the petition shall be appended to one sheet or paper. The proposed ordinance, as set forth on the paper, shall be followed by the signatures. Such petition shall be signed by qualified electors of the city in their own names, without any need of the name of the person written by each signer for whom he shall be willing to be signing the name, and number, when such designation is given, and shall be signed by the name, and shall be unable to write, then such signature shall be written by the person for whom the person at his request, and the name shall be written by the person for whom the person making the address, by means of the person for whom the person shall be attached thereto at the bottom of the petition, and the address of a qualified elector of the city stating that all of the signatures in such petition were made together at the time said signatures were attached thereto, and that he is of his knowledge and belief such signatures are the genuine signatures of the persons whose names purports to be therein submitted. One of the other sheets of such paper, containing signatures, shall be returned by the signature of the person making such affidavit.

Within ten days from the date of the filing of such petition, the city clerk shall examine the same and ascertain whether or not said petition is signed by the required number of qualified electors of the city, and if approved by the city clerk, the council shall authorize him to employ persons necessary for that purpose, in addition to the persons regularly employed in his office, and the provisions of the charter respecting the classified civil service of the city shall not apply to the persons so specially employed. When the city clerk has completed his examination of the petition, he shall attach to the same his certificate, prepared thereon, stating the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of qualified electors of the city, he shall so certify. If by the certificate of the city clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The city clerk shall, within ten days after the filing of such supplemental petition or petitions, make an examination of the same and certify to the result of such examination as hereinafter provided. If the petition shall show any such petition or any such petition is attached to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if by the certificate of the city clerk, such petition, or such petition as given, is shown to be genuine, the city clerk shall present the same to the council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the council.

If any supplemental petition be filed, all the signatures attached to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition.

Any signer to a petition or supplemental petition may withdraw his name from the same by filing with the city clerk a verified statement of his signature before the filing of the petition, or supplemental petition with said city clerk. No signature can be revoked after the petition to which it is attached or supplemental petition has been filed. The city clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be called in question, the city clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and (if he to appear before him forthwith to answer whether such signature is genuine. If the city clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec. 198c. If the petition praying for the adoption by the council of any proposed ordinance, or if the same be not adopted, for the submission of such ordinance to a vote of the electors of the city, be signed by fifteen per centum of the qualified electors of said city estimated upon the basis aforesaid, then the council shall either (a) Pass said ordinance, without alteration, within twenty days after the presentation of said petition to the council by the clerk; and if the council shall fail to pass said ordinance within said time, or if the same shall be passed by the council,

but shall be vetoed by the mayor, and on reconsideration by the council, said ordinance shall fail of passage over the mayor's veto, the council shall thereupon, within ten days after it shall have so failed of passage, call a special election at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of said city; such election shall be held not more than fifty days from the date of the meeting of the council at which said ordinance so failed of passage, *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at said election; or,

(b) Forthwith after the presentation of such petition to the council, it shall call a special election for the purpose of submitting said ordinance to a vote of the electors of the city, and such election shall be held not more than fifty days from the date of the presentation of such petition to the council by the city clerk; *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at such election.

Any ordinance proposed by initiative petition and passed by the council and approved by the mayor, or passed by the council and passed over the mayor's veto, shall be subject to the referendum by petition as herein provided in the case of other ordinances.

If the said petition be signed by at least five per centum but less than fifteen per centum of the qualified electors of said city, estimated upon the basis aforesaid, then such ordinance, without alteration, shall be submitted by the council to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of said petition to the council.

In the event that said petition proves for the adoption of a proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of said city equal in number to fifteen per centum of the qualified voters of said city estimated on the basis aforesaid, then, but not otherwise, the council must submit such proposed ordinance to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of such petition to the council.

Sec. 198d. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the city clerk, at least twenty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the council shall have the right to present, or permit to be presented and filed with the city clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the city clerk shall prescribe. The city clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter, provided he has been furnished with printed copies of such argument equal in number to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the council to expend money of the city for the formulating or printing of any such argument.

Sec. 198e. If a majority of the qualified electors voting on any ordinance proposed by petition shall vote in favor thereof, such ordinance shall become an ordinance of the city upon the declaration by the council of the result of the election at which such proposed ordinance was submitted, and any such ordinance adopted by a vote of the qualified electors of the city voting thereon, cannot be repealed or amended except by an ordinance proposed by petition and adopted by vote of the electors as hereinbefore provided, or by an ordinance submitted by the council to a vote of the electors of the city and so adopted as hereinbefore provided or by any amendment to this charter repealing the same.

THE REFERENDUM

Sec. 198f. The council shall have power and is hereby authorized, to submit a vote of the qualified electors of the city, at any general or special election, on proposed ordinance, order or resolution that the council itself might adopt. If a majority of the qualified electors voting on such proposed ordinance, order or resolution vote in favor of the same, it shall be deemed to be adopted and shall take effect upon the declaration of the result of such election by the council, and it shall have the same force and effect as an ordinance adopted under the provisions of the article relating to the referendum.

Sec. 198g. No ordinance passed by the council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering or otherwise relating to an election, and an ordinance establishing or changing the name or outlines of, or respecting the establishment or change of grade of, or the improvement in any manner of, or the opening, widening, straightening or extension of, street, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the laying or collection of local assessments upon private

property, for any of said purposes, or respecting the expenditure of funds for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessments upon property primarily, and any ordinance authorized or required by the laws of this State, or by or under the provisions of this charter, respecting the improvement of streets or other public places and no ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and approved by a three-fourths vote of the council, but all ordinances or any of the classes herebefore enacted by this council shall take effect upon their publication. No grant of any franchise, right or privilege shall not be considered to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendum vote as hereinafter provided. No ordinance, order or resolution passed by the council failing or authorizing any contract shall be in effect until the expiration of thirty days from the publication of such ordinance, or the adoption of such order or resolution except in the case in which no such period is prescribed; the cost and expenses incurred are to be paid by said ordinance, any resolution that require the payment to the city of less than twenty-five hundred dollars, and except any ordinance, order or resolution of the council pertaining to the sale or disposal of lands of the city.

Sec. 1984. At any time within the thirty days mentioned in the preceding section, a petition addressed to the council, and signed by qualified electors of said city equal in number to at least ten per cent of the qualified electors registered upon the basis for electing representatives specified in Section 1983, shall, when filed with the city clerk, demanding the submission of any ordinance, order or resolution passed by the council, to a vote of the qualified electors of said city, except that ordinance, order or resolution which shall take effect as provided in the preceding section. Any such petition shall be known as a referendum petition, and shall contain the ordinance, order or resolution in full, the submission of which to a vote is thereby demanded. Such vote shall be known as a referendum vote.

The provisions of this chapter, relating to the form and to the mode of filing initiative petitions, and to the mode of examination, presentation and submission of the same, and to the presentation thereof to the council in the case of the one class, shall apply to referendum petitions and orders and resolutions.

If any referendum petition or petitions be filed, as hereinafter provided, and the city clerk shall be unable to make his returns on the certificate on the expiration thereof within thirty days after the publication of the ordinance, or the adoption of the order or resolution, the submission of which to a referendum vote is thereby demanded, such ordinance, order or resolution shall be suspended from taking effect after the expiration of said thirty days and shall lie over at the meeting of the city clerk to the satisfaction of the council of said city, or of the council of the city clerk such petition or petitions are certified to be sufficient, and the ordinance, order or resolution shall be published in the manner provided by law of the council of the city as hereinafter provided, but if the same petition, order or resolution are certified to be insufficient, such petition, order or resolution shall be filed at some subsequent meeting of the council, and shall be subject to the same procedure as provided in the preceding section, and the expiration of said thirty days. No referendum petition shall be amended by a supplementary petition filed after the expiration of said thirty days. In case of the filing of such petition or petitions, all such petitions shall be presented in duplicate to the clerk of said city, and with the same form and order as though all the signatures had been attached to one petition.

Sec. 1985. Upon the presentation to the council by the city clerk of a referendum petition or petitions, the council may pass an ordinance, the submission of which to a referendum vote is thereby demanded, prior to action required by the council, except delay or adjournment to a vote of the qualified electors of the city for amendment or adoption at the next general municipal election, or any subsequent election, or within days from the date of the presentation of said referendum petition or petitions by the city clerk, provided that if within said general meeting, day, or session, or said thirty days a special election shall be held for any other purpose, then said petition, order or resolution shall be so submitted at such special election, or, in the discretion of the council, at any special election called for any purpose, provided, however, that if any referendum petition or petitions shall be signed by fifteen per centum of the qualified electors of said city compared upon the basis for ascertaining the percentage of such electors set forth in Section 1983 of this chapter, the council must, upon the presentation thereof to it, immediately call a special election at which the ordinance, order or resolution contained in such petition, shall be submitted to a referendum vote, and such election shall be held within forty days from the presentation to the council of such petition.

If any referendum petition or petitions presented to the council as aforesaid, be certified by the clerk to be signed by at least ten per centum, but less than fifteen per centum of the qualified electors of the said city, compared upon the basis aforesaid, then and in that event, additional referendum petitions for the submission of such ordinance, order or resolution to a referendum vote may be filed, all such additional referendum petitions shall be in the same form, and be signed, examined, amended, and certified and presented to the council in like manner as provided in Section 1983.

of this charter; and if it shall appear from the certificate of the city clerk thereto, that such additional referendary petition or petitions are signed by such number of qualified electors of the city, as, when added to the number of qualified electors whose signatures are appended to such referendary petition or petitions examined and certified by the city clerk, shall equal fifteen per centum of the qualified electors of said city, computed upon the basis aforesaid, the council must, upon the presentation of such additional referendary petition or petitions to it by the city clerk, immediately call a special election at which such ordinance, order or resolution shall be submitted to a referendary vote, and such election shall be held within forty days from the presentation of such additional referendary petition or petitions to the council.

If, upon the presentation by the city clerk to the council of a referendary petition signed by at least ten per centum, but less than fifteen per centum, of the qualified electors of the city, computed as aforesaid, the council shall have ordered the ordinance set forth in such petition submitted to a vote of the electors of the city at the next general municipal election, such action shall be annulled by the presentation to it of additional petitions, which, together with such referendary petition, shall be signed by at least fifteen per centum of the qualified electors of the city, and in such event the council shall submit such ordinance to such vote at a special election, as hereinbefore provided.

Sec. 1987. No ordinance, order or resolution that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof; and if such ordinance, order or resolution so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted, and shall take effect upon the declaration by the council of the result of the election at which it shall have been so submitted; *provided, however*, that any ordinance, order or resolution so adopted shall be subject to amendment or repeal by the council at any time, but such amendment or repeal shall not be made within six months after such adoption, except by unanimous vote of the council, and such amendment or repeal shall be subject to a referendary vote as provided in this article.

Sec. 1988. Whenever any ordinance proposed by initiative petition, or any ordinance, order or resolution for the submission of which to a referendary vote a petition or petitions shall have been filed, is submitted at any election, there shall be printed on the ballots to be used at such election, the words, "Shall the ordinance, (or order, or resolution, or proposed ordinance, as the case may be, stating the nature of the ordinance, order or resolution, or of the proposed ordinance) be adopted?" And opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed, on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes", his vote shall be counted in favor of the adoption of the ordinance, order or resolution, or the proposed ordinance; and if he shall stamp a cross (X) in the voting square after the printed word "No", his vote shall be counted against the adoption of the same.

Sec. 1989. Any number of ordinances proposed by initiative petitions, or ordinances, orders or resolutions submitted by the council to a referendary vote, or so submitted in pursuance of referendary petitions, may be voted upon at the same election, either general or special; *provided*, that there shall not be held in any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if any election be called for any other purpose within such period, such ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of said city, under the provisions of this article, conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Sec. 1990. The council, at its own instance, or upon the presentation to it of an initiative petition, may submit any proposed ordinance for the repeal of any ordinance adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition, as in this article provided, or for the amendment of such ordinance, to be voted upon at any succeeding general municipal election; and in the event that such proposed ordinance, so submitted by the council, receive a majority of the votes cast thereon at such election, the ordinance to which such ordinance so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

Sec. 1991. Whenever any ordinance, order, resolution or proposition is required by this article to be submitted to the electors of the city at any election, the city clerk shall cause the same to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter.

Sec. 1992. If any ordinance, order or resolution be submitted to the vote of the electors in pursuance of a referendary petition, the person filing such petition, or the person or organization on whose behalf said petition was filed, shall have the right to present to the city clerk at least twenty days prior to such election, printed copies of an argument opposing such ordinance, order or resolution, and the council shall have the right to present or permit to be presented to the city clerk, within the same limit of time, printed copies of an argument favoring such ordinance, order or resolution. No such argument shall exceed two thousand words in length; and such argument shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall

enclose one copy of each of such statements with the sample ballot, and a copy of the ordinance, order or resolution, mailed as such ballot, provided he has been furnished with printed copies of such statements equal to five per centum of the total number of qualified electors of the city. No person shall be required to file and file the recall or removal petition of the city, but the forwarding of printing of any such petition.

THE PETITION

Sec. 198a. Any incumbent of an elective office, whether created by vote of the people or appointment by the executive, may be removed from office by the recall election of the city of Los Angeles, in accordance with the provisions of this article, if the number of signatures equal to five per centum of the total number of qualified electors of the city is obtained, and the petition is filed with the clerk of the city, and the removal or recall petition shall be forwarded to the clerk of the city, and the forwarding of printing of any such petition.

(1) A petition to remove or recall any elective officer, whether created by vote of the people or appointment by the executive, may be removed from office by the recall election of the city of Los Angeles, in accordance with the provisions of this article, if the number of signatures equal to five per centum of the total number of qualified electors of the city is obtained, and the petition is filed with the clerk of the city, and the removal or recall petition shall be forwarded to the clerk of the city, and the forwarding of printing of any such petition.

(2) The signatures of the petition shall be obtained by the clerk of the city, and the petition shall be forwarded to the clerk of the city, and the forwarding of printing of any such petition.

(3) The petition to remove or recall any elective officer, whether created by vote of the people or appointment by the executive, may be removed from office by the recall election of the city of Los Angeles, in accordance with the provisions of this article, if the number of signatures equal to five per centum of the total number of qualified electors of the city is obtained, and the petition is filed with the clerk of the city, and the removal or recall petition shall be forwarded to the clerk of the city, and the forwarding of printing of any such petition.

Sec. 198b. The petition to remove or recall any elective officer, whether created by vote of the people or appointment by the executive, may be removed from office by the recall election of the city of Los Angeles, in accordance with the provisions of this article, if the number of signatures equal to five per centum of the total number of qualified electors of the city is obtained, and the petition is filed with the clerk of the city, and the removal or recall petition shall be forwarded to the clerk of the city, and the forwarding of printing of any such petition.

On such ballots, under each such question, there shall also be printed the names of all persons who have been nominated as candidates for removal or recall, and the person whose removal is sought, in case he shall be removed from office by vote of the electors. The nomination of such candidates shall be made as hereinafter provided, except that the person whose removal is sought, shall be named in the petition, and unless within five days after the date of the clerk's nomination to the petition, he resigns his office, or declines in writing duly signed and verified by him, and filed with the city clerk, to be a candidate, his name shall be printed on the ballot the same as if he had been regularly nominated in accordance with the provisions of this article.

Sec. 198c. Any incumbent of an office, whose removal is sought under the provisions of this article, may file with the city clerk, at least twenty days prior to such recall election, printed copies of a statement of not more than two thousand words in length justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the city clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter, provided he has been furnished with printed copies of such statement equal to five per centum in excess of the total number of qualified electors of the city.

Sec. 198a. Any elective officer for whose recall and removal from office an election is held, shall continue to perform the duties of his office until such time as the council having canvassed the vote at such recall election, shall declare that a majority of the electors voting on the question as to whether such person shall be recalled and removed from office, have voted in favor of his recall and removal from office. But if such person shall resign at any time after the date of the certificate of the clerk certifying that the petition for his recall is sufficient and prior to the declaration of the result of such election, thereby creating a vacancy in such office, or a vacancy occurs therein during such time from any cause, such vacancy may be filled by the council in the same manner as other vacancies occurring in such office, but in that event, the person appointed to fill such vacancy shall hold his office only until the person declared by the council to have been elected at the recall election shall qualify. Proceedings for the recall of any elective officer shall be deemed to be pending from the date of the certificate of the city clerk certifying that the recall petition is sufficient, and if he shall resign at any time subsequent thereto the recall election shall be held notwithstanding such resignation.

In the event that a majority of the electors voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of the removal of such person from office by the recall, the person for whose removal from office such majority has voted shall be deemed to be and shall be recalled and removed from office upon the declaration of the result of such election by the council, and the candidate receiving at said election the highest number of votes for that office shall be thereby elected. If the incumbent receive the highest number of votes, he shall continue in office, but if some person other than the incumbent receive the highest number of votes at such election he shall become the successor of the incumbent so removed and shall hold office only during the unexpired term of such officer.

Sec. 198b. No person who has been removed from an elective office by the recall, or who has resigned from such office while recall proceedings for his removal were pending against him, shall be appointed to any office under this charter within two years after such removal or resignation.

Sec. 198c. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which shall be substantially in the form prescribed in Sections 206c and 206d of this charter. Any such petition or petitions shall be signed by qualified electors of said city equal in number to at least one per cent of the total number of votes cast for the office of mayor at the last general municipal election in said city at which a mayor was elected. Each petition must be presented to the city clerk not less than twenty-five days before such recall election. Immediately upon the presentation of any such petition, the city clerk shall ascertain and determine, in the manner heretofore provided as to initiative petitions, whether or not such petition is signed by the requisite number of qualified electors of the city. If requested by the city clerk, the council shall allow him additional assistants for that purpose, as in other cases, and he shall, within five days after the presentation thereof, attach his certificate to such petition, showing the result of his examination. If it shall appear therefrom, that any such petition is not signed by the requisite number of qualified electors, the same may be amended within three days from the date of such certificate, by presenting a supplemental petition. The clerk shall, within three days after such supplemental petition is filed, make like examination thereof, and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified electors, both the petition and supplemental petition being considered together for that purpose the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Sec. 198d. The provisions of Sections 206a, 206i and 206j of this charter shall be applicable to recall elections held under this article.

Sec. 198e. The incumbent of any appointive office provided for in this charter, or created by ordinance under the authority thereof, may be removed at any time after the expiration of three months from his appointment, by the qualified electors of the city. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that heretofore provided for the removal of the incumbent of an elective office by the recall, with the following exceptions:

(a) The petition for the removal of the incumbent of an appointive office shall contain a demand for the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors.

(b) The ballots used at the election at which such question shall be submitted, shall have printed thereon, as to every appointive officer whose removal is to be voted on thereat, the following question:

"Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office)?"

And opposite such question to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes", his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word "No", his vote shall be counted against such removal.

tions, issued to the persons nominated thereat, and certificates of election to the persons elected at general municipal elections or at primary nominating elections. The council shall be the judge of the qualifications of all of the elective officers.

Sec. 202. All elections shall, except as in this charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Sec. 203. No person shall be eligible to any elective office under this charter who at the time of his election is not a qualified elector of this city, and to be eligible to the office of member of the council, no person elected must also have been a resident of the city for at least two years next preceding his election.

Sec. 204. All persons shall be entitled to vote at any election held in pursuance of this charter who come within a temple with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any election under this charter and who was registered, as required in the general law of the State respecting the registration of voters, in any of the precincts, precincts for and election held under this charter, or in any of such precincts which together comprise any consolidated precinct for any such election, and who continues to reside within the exterior boundaries of such election or consolidated election precinct until the time of the holding of any election under this charter, shall be entitled to vote at such election without other or additional registration. Any other person, in order to be entitled to vote at any of the elections held under this charter, shall be registered in the manner provided by the general laws of this State respecting the registration of voters in an election of and within the precinct of one of the precincts which comprise the consolidated precinct precinct wherein he claims to be entitled to vote; *provided, however, that as to all elections held under this charter such registration shall be in progress at all times except during the twenty-five days immediately preceding any such election; and provided, further, that transfers of registration from one election precinct to another in the city of Los Angeles at any time except within twenty-five days immediately preceding any election held under this charter, or no such transfer shall be required in the case of the removal of an elector from one to any other precinct included in a consolidated election precinct.*

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration and transfers of registration for at least sixty days prior to the closing of registration for any municipal election, and to register and transfer the registration of all qualified electors of said city who may apply for such registration or transfer of registration during that time.

Sec. 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general election in the precincts in which such municipal election is held, together with supplemental registers showing all conditional registrations, transfers and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers with proper indices thereon, to the city clerk of said city at least five days before the holding of such municipal election.

Sec. 205a. Any candidate to serve for the remainder of an unexpired term of an office, unless candidates therefor shall have been nominated at a primary nominating election, may be nominated by petition, which shall be substantially in the form provided in Sections 206a and 206b of this charter. Each such petition must be presented to the city clerk not less than twenty-five days before the general municipal election at which the person to serve for such unexpired term shall be elected, and shall be examined, certified, amended and filed and treated in all respects the same as petitions for the nomination of candidates to be voted for at a recall election.

Sec. 206. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of their successors to be elected or appointed under this charter as hereby amended, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

PRIMARY NOMINATING ELECTIONS.

Sec. 206a. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the city of Los Angeles at the time of such nomination; and no names shall be printed upon the ballot for such general election other than those selected in the manner in this article proscribed.

Sec. 206b. A primary nominating election shall be held on the last Tuesday in October, 1911, and on the last Tuesday in October of every second year thereafter, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election to be held on the first Tuesday in December next ensuing. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general election, and such general election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such pri-

the city shall not apply to the persons so employed. The clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

Sec. 206*g*. If, by the city clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206*h*. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Sec. 206*i*. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination, by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

Sec. 206*j*. The city clerk shall enter the names of all persons for the nomination of whom as candidates, petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The city clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate thereof, to be published for at least five consecutive days prior to the primary nominating election in five daily newspapers printed and published in the city.

Sec. 206*k*. The city clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

PRIMARY NOMINATING ELECTION.

CITY OF LOS ANGELES.

(Inserting date thereof).

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in Section 4 of this charter.

Sec. 206*l*. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate. Any candidate to serve for the remainder of an unexpired term, shall be designated in the petition and on the ballot as a candidate to fill an unexpired term.

Sec. 206*m*. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Sec. 206*n*. In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the council to be elected to such office; *provided*, that in the case of candidates for the offices of member of the council and member of the board of education, the candidates therefor equal to or less than the number of such offices, for which nominations are to be made who receive the votes of more than one half of the qualified electors voting at such election, shall be deemed to be and declared by the council to be elected to such office or offices. Except as in this section provided, the result of such primary nominating election shall be as provided in Section 206*o* of this charter.

Sec. 206*o*. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

After the expiration of the time within which nomination shall be returned, as hereinafter provided, the county clerk shall receive certificates of nomination to be issued by the city clerk to such candidates as shall have received the required number of votes and shall have been nominated at the primary nominating election, provided, however, that such certificates shall not be issued being there is a protest as to any candidate, as hereinafter provided, until after such protest shall be determined.

Sec. 206ip. The ballot at any general election shall be in the same general form as for such primary nominating election, so far as appearance and contain any indication as to the party affiliation, source of candidate or support of any candidate.

Sec. 206iq. Any person entitled to vote at any election held in this city of Los Angeles, shall, on the day of such election, be entitled to draw a ballot from the service or employment in which he is then engaged or employed, during the consecutive hours between the time of opening and the time of closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206ir. Nothing contained in any of the foregoing sections, 206ia to 206iq, both inclusive, shall be deemed to apply to any election held under the authority of this article relating to the recall and removal of elective officers, except as therein expressly provided.

Sec. 206is. In the event of the death of any candidate nominated at a primary nominating election for any office, the name of the person who received the highest vote of those who were candidates for such office, other than the candidate who were nominated therefor at the primary nominating election, shall be deemed a candidate and his name shall be printed upon the ballot as he stood at the primary municipal election, with the same form and effect as if such person had been nominated therefor as hereinbefore provided.

Sec. 206it. Whenever it shall appear upon the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be considered as candidates for such office, the city clerk shall forthwith, upon the declaration by the council of the result of such election, notify all persons so receiving an equal number of votes, to appear before the council, in the second session of its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared and at such time to be summoned by such notice, and then and there to draw lots to determine which of such persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the council and shall then, in an open session thereof, draw lots to determine which of such persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the council shall prescribe, and the person or persons upon whom the draw made by such drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person do not appear, as above prescribed, the city clerk shall act for such person in such drawing of lots, provided, however, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had, until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Nothing in this section contained shall be construed to prevent any member of the city from demanding and obtaining a recount of the ballots cast at such primary nominating election as hereinafter provided.

Sec. 206iu. Any elector of the city may contest the right of any person declared nominated as a candidate for any office to be such candidate upon the ground that such person did not receive the requisite number of votes at the primary nominating election. When an elector contests the right of any person declared nominated as a candidate for any office to be a candidate therefor, he must, within five days after the result of the primary nominating election shall have been declared by the council, file with the city clerk a written petition setting forth specifically the following:

(1) The name of the person contesting such nomination, and that he is an elector of the city;

(2) The name of the person whose right to be a candidate for an office, stating the office, is contested;

(3) A statement of particulars wherein the person, whose right to be a candidate is contested, did not receive the requisite number of votes at the primary nominating election, or, of such errors in the counting of ballots, which, if corrected, would give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition must be signed by and be verified by the affidavit of the person filing such petition, and such affidavit must state that the statements made in the petition are true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters he believes it to be true. Any such petition shall be accompanied by a bond in the penal sum of \$500, in favor

of the city of Los Angeles, executed by the petitioner and by two sureties satisfactory to the council, conditioned for the payment by the petitioner to the city of Los Angeles of the costs and expenses of such recount of ballots in case such contest does not change the result of such election.

The city clerk shall present said petition to the council at its next regular meeting after the filing in proof, and the council shall thereupon order a recount of the ballots cast at such election. Such recount shall be conducted by the mayor, city attorney and city clerk, who shall for that purpose constitute a board of contested primary nomination elections; *provided, however*, that if any of said officers are interested parties to said contest, the council shall designate a disinterested elector to act upon said board in the place of such officer. Said board shall be authorized by the council to employ such persons as may be necessary to assist them in conducting such recount, which shall be public and conducted with due diligence to completion. Upon the completion thereof, such board shall make a report in writing of the result thereof to the council, which shall thereupon taking the same, and if any person or persons other than the person or persons theretofore declared nominated, be found upon such recount to be entitled to such nomination, the council shall so declare and direct that the proper certificate of nomination be issued to such person or persons. Nothing in this section contained shall be construed to prevent any person from contesting any nomination by such official proceedings as may be otherwise authorized by law.

If the result of such primary nominating election is changed by such contest, the expense of such recount shall be paid by the city.

Sec. 206c. The provisions of Section 206b shall be applicable to any case where it results from the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office. Any elector or electors, in the event of any such tie vote obtaining a majority of the ballots cast at such primary nominating election, may file a petition demanding such recount, setting forth specifically the following:

(1) The name of the person demanding such recount, and that he is an elector of the city;

(2) The names of the persons who received an equal number of votes, stating the cause;

(3) A statement of particulars of said errors in the counting of ballots, which, if corrected, will give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition shall be signed, verified and filed as in said Section 206b provided. The proceedings for such recount shall be conducted and the result thereof determined in the same manner and with the same force and effect as in said section provided, and the provisions thereof shall control in all matters pertaining to such proceedings so far as they may be applicable thereto.

Sec. 206d. A substantial compliance with the provisions of this article shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the city.

CHARTER AMENDMENT NUMBER THREE.

That Section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Sec. 43. The city auditor shall be the general accountant of the city, and shall exercise a general supervision over all of the officers, boards and commissions of the city charged in any manner with the receipt, collection or disbursement of the moneys of the city. He shall have power to prescribe the method of instating, keeping and rendering all accounts of the several officers, boards or commissioners of the city; *provided, however*, that any change of the system of accounting shall first be authorized by the council.

The city auditor shall keep in his office a complete set of accounts, which shall show, at all times, the financial condition of the city and the state of each fund, from what source the money was derived, and for what purpose any money was expended.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at its second regular meeting of each month the condition of each fund in the city treasury and the amount drawn from each fund

during the preceding month, and shall render to the council such other or special reports as it may from time to time require.

He shall make and present a report to the council on or before the fifteenth day of August of each year, showing all financial transactions of the city for the then year ending the 30th day of June last preceding.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereafter provided in Article XXXI.

The city auditor shall perform such other duties and exercise such further powers as may be elsewhere prescribed for him in the charter or by ordinance. He shall devote his entire time to the performance of the duties of his office.

That Section 46 of the charter be amended to read as follows:

CITY ASSESSOR.

Sec. 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance, a full and correct list of all the property, both real and personal, taxable in the city and town of said city, with the valuation thereof, and assess the same to the owners of the same. It was revised or changed, or in these assessments or records to make an entire return thereon on the first Monday in March next ensuing.

Each taxpayer in said city shall make such return to the city assessor annually, and at such time as shall be provided by ordinance, a warrant shall forth setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock noon on the first Monday of March next ensuing.

It shall be the duty of the city assessor to collect the taxes on all personal property, when the owner of said property is not owner of any estate in said city sufficient to afford ample security for payment of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on the owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and require a demand for the payment of said tax within three days after service of said notice. Such notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof is not secured to the satisfaction of the city attorney and city assessor, the city assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3793, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California, provided, that the newspaper referred to in said Section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such assessment is made, if it is found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid to the person from whom the collection was made, or to his assigns. And if it comes out that the rate fixed has been collected, the delinquency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased to said board, then the deficiency must be collected as other taxes on personal property are collected.

The city assessor shall carefully note upon his assessment list and also upon a book to be kept by him for the purpose all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the city assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be, and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment, and the council is authorized and directed to cause proper action or actions at law to be brought against him and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be, prescribed by the ordinances of the city.

That Section 47 of the charter be amended to read as follows:

BOARDS AND COMMISSIONS.

Sec. 47. The powers and duties of all boards and commissions provided for under this charter shall be such as are in this charter elsewhere set forth, and such as may be prescribed by ordinance.

That Section 49 of the charter be amended to read as follows :

THE CITY ATTORNEY.

Sec. 49. The city attorney must be qualified to practice in all the courts of this State, and he must have been so qualified for at least five years next preceding his election. He shall devote his entire time to the duties of his office.

The powers and duties of the city attorney shall be as follows :

(1) The city attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the council.

Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the city attorney shall commence the same when within his knowledge or when directed so to do by the council. He shall give his advice or opinion in writing, to any officer, board or commission of the city, when requested so to do by such officer, board or commission ; *provided*, that the council shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney therein.

(2) He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the city attorney. He shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The city attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(3) The city attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or department ; copies of all papers, briefs and transcripts used in causes wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer, board or commission is a party or is interested.

(4) The city attorney may appoint such assistants, deputies, clerks, stenographers and other persons as the council, by ordinance, shall prescribe ; *provided, however*, that each assistant must, at the time of his appointment, be qualified to practice in all of the courts of the State, and must have been so qualified at least two years next preceding his appointment.

That Section 50 of the charter, relating to the office of superintendent of buildings, be repealed, and in place thereof a new section be added to the charter, to be known as Section 50, and to read as follows :

THE CITY PROSECUTOR.

Sec. 50. The city prosecutor shall be appointed by the mayor, subject to confirmation by the council. He must be at the time of his appointment qualified to practice in all of the courts of this State, and he must have been so qualified for at least five years next preceding his appointment. He shall devote his entire time to the duties of his office.

The city prosecutor may appoint such assistants, deputies, clerks, stenographers and other persons as the council, by ordinance, shall prescribe ; *provided, however*, that each assistant must at the time of his appointment, be qualified to practice in all of the courts of the State, and must have been so qualified at least two years next preceding his appointment.

The powers and duties of the city prosecutor shall be as follows :

(1) The city prosecutor shall be present, either in person, or by his assistants or deputies at all sessions of the police court ; and he shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this charter or the ordinances of the city, in the police court, and on appeal.

(2) The city prosecutor shall draw complaints in such cases in said police court, and prosecute all recognizances and bail bonds forfeited in said police court. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other moneys accruing to the city of Los Angeles in said court.

(3) Whenever it shall be authorized by the laws of this State, the city prosecutor shall prosecute in the police court, and on appeal, all misdemeanor offenses cognizable in or by the police court, arising upon violation of the laws of this State ; draw complaints in said court for misdemeanors committed against the laws of this State, prosecute all recognizances and bail bonds forfeited in said police court, and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the city or county of Los Angeles in said police court.

(4) Whenever the laws of the State shall so provide, any person held in custody or restraint by any peace officer of the city, and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the city of Los Angeles against the laws of the State, who shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the city prosecutor at such time and in such manner as may be provided by such laws ; and it shall be the duty of the city prosecutor to conduct all proceedings connected with or relating to the application for or hearing up such writ on behalf of the people.

(5) Whenever it shall be authorized by the laws of the State, the city prosecutor shall have the power to make and present to the said police court, on any day thereon, in any case where an offense has been committed in the city, that it is true in said court and any person whose attendance as a witness at the trial is necessary in the judgment of the city prosecutor, besides out of the county of Los Angeles, or is connected with the substance outside of said county, an affidavit stating that he believes the attendance of such witness is material and his attendance at the trial is necessary.

(6) It shall be his duty to keep a register of his official business, in which shall be entered a note of all actions, whether criminal or civil, prosecuted or defended, officially by him, and of the proceedings thereon; and shall keep such further papers and shall perform such other duties as may be prescribed by ordinance.

That Section 53 of Article IV of the charter be amended to read as follows:

CHIEF OF POLICE

Sec. 53. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the mayor.

That Section 57 of Article IV of the charter be amended to read as follows:

HEALTH COMMISSIONER

Sec. 57. The health commissioner shall have such powers and perform such duties as are in this chapter or may be by ordinance granted to or imposed upon him.

That Article IV of the charter be amended by adding a new section therein to be designated as Section 57a, and to read as follows:

PURCHASING AGENT

Sec. 57a. The purchasing agent shall occupy an office in this charter prescribed by the agent of the city in purchasing materials and supplies used by the city.

He shall receive such salary, give such bond to the city, and perform such duties as may be prescribed by ordinance.

That Section 59 of Article IV of the charter be amended to read as follows:

Sec. 59. Every officer, board and commission of the city, in addition to those named in Section 58 of this charter, may, except as otherwise provided in this charter, make and present to the council, at its meeting in the second week of July, of each year, such report pertaining to the affairs of the office or department of which said officer, board or commission has charge, for the year ending on the sixth day of June last, as the council, by ordinance, shall prescribe.

That Article VII of the charter be amended to read as follows:

ARTICLE VII.

DEPARTMENT OF EDUCATION

Sec. 60. The government of the school department of the city of Los Angeles shall be vested in a board of education, to consist of seven members, to be chosen as in this charter provided, and to be called members of the board of education.

Sec. 70. Each member of the board of education shall receive in full compensation for all services of every kind rendered by him, ten dollars for each regular meeting of said board attended by him, but not exceeding a total of \$50 in any one calendar month, the same to be paid out of the school fund.

Sec. 71. The members of the board of education in office at the time this article takes effect, shall hold and exercise their offices until the election and qualification of their successors under this charter.

Sec. 72. The board of education shall elect one of its members president. It shall have power, by resolution, adopted by a majority of all its members, and recorded in the minutes with the axes and votes at length, to make rules and regulations for its proceedings, for the government and administration of the department of education; and for the regulation and conduct of the officers, teachers and other employees of said department.

Sec. 73. The board of education shall hold regular meetings at least once every two weeks, and special meetings at such times as shall be prescribed by the rules of said board. A majority of all the members of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

Sec. 74. The meetings of the board of education shall be public, and its records shall be open to public inspection.

Sec. 75. The board of education shall fill all vacancies occurring in its membership.

Sec. 76. The board of education shall have power:

1. To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same, and to establish districts for such schools and to fix and alter the boundaries thereof.

2. To appoint, employ and discharge a city school superintendent, a deputy school superintendent, assistant school superintendents, a secretary, an auditor, and such teachers, janitors, school census marshals, mechanics, laborers and other employees

as may be necessary to carry into effect the powers and duties of the board, to fix, alter and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books, course of study and mode of instruction shall be used in said schools.

4. To grade, pave, sewer or otherwise improve streets and other public places in front of real property owned or controlled by it, and to appropriate money to pay the cost and expense of such improvements, whether made by said board, or under contracts executed by the board, or under contracts made in pursuance of the general laws of the State respecting street improvements.

5. To have and exercise entire control and management of the public schools of the city in accordance with the constitution and general laws of the State and the provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter, and also by the general laws of the State for city boards of education.

Sec. 77. No demand payable out of the school fund shall be approved or paid unless the same be first approved by the affirmative vote of five members of the board, taken by ayes and noes, and spread on the minutes and the action of said board, on such demand, shall be endorsed thereon and signed by the president and the secretary thereof.

Sec. 78. The city school superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the board of education. It shall be the duty of the city school superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school as often as practicable; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

That Article VIII of the charter be amended to read as follows:

ARTICLE VIII.

LIBRARY DEPARTMENT.

Sec. 81. There is hereby established a department of the government of the city of Los Angeles, to be known as the library department, which shall be under the management and control of a board of five directors, to be known as the board of library directors.

Sec. 82. Said directors shall be appointed by the mayor, subject to confirmation by a majority of the council. They shall serve without compensation, and shall be chosen from the citizens at large, without regard to sex.

Sec. 83. The term of office of the library directors shall be four years; *provided, however*, that upon the taking effect of this article, the directors of the Los Angeles public library, then in office, shall be and become the library directors of the city, and shall continue in office as such directors until the expiration of the terms for which they were appointed respectively, and until their successors are appointed and qualified; *and provided, further*, that the term of office of each of said directors of the Los Angeles public library shall expire on the first Monday in January of the fourth calendar year immediately following his appointment. The mayor shall, subject to confirmation by the council, fill all vacancies for the unexpired term.

Sec. 84. The said board of library directors shall organize by electing one of its members president, who shall hold office for one year, and until his successor is elected.

Sec. 85. The said board of library directors may appoint any employee of the library department to act as clerk of said board. Such clerk shall keep a record and full minutes in writing of all the proceedings of said board, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and such clerk shall serve without extra compensation therefor.

Sec. 86. The said board of library directors by the vote of a majority of all its members, to be recorded in the minutes of its proceedings with the ayes and noes at length, shall have power:

(a) To establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the library department, and for the regulation of the conduct of its officers and employees.

(b) To establish and maintain branch library libraries and reading rooms, and all branch libraries and reading rooms heretofore established in this city, and all property, real and personal, thereto pertaining, shall be and remain in the charge, custody and administration of the said board of library directors, with like powers and liabilities as said library.

(c) To appoint a librarian, a first and second assistant librarians, and such other officers and employees of the library department, as the board may deem necessary, to determine and define their duties and to see and regulate their communication. All appointments in the library department shall be made by the said board subject to such civil service rules and regulations as are now or may hereafter be in force.

(d) To establish departments in said public library, and to appoint officers and remove heads of such departments.

(e) To control and order the expenditure of all moneys in any fund in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the provisions of this charter for the payment of deposits on the first Monday of said 1911. All moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund and deposited, authorized by the signatures of the president, or two members of the board, and by the clerk thereof.

(f) To purchase or lease all necessary real property and thereon to construct a library or branch library building or buildings, or to improve same in a building or buildings for such library or branch library, and to have general supervision, care and custody of the grounds, rooms or buildings constructed, leased or sold upon for that purpose, and generally to do all that shall be necessary to carry out the spirit and intent of this charter in establishing a public library and branch public libraries or reading rooms.

(g) To sell, or otherwise dispose of, any damaged, worn out or useless books, furniture or other personal property under its control, in such manner and at such times as the board may determine.

(h) To prescribe and collect fines and penalties for the violation of the rules and regulations of said board respecting the use and loan of books from the said library or branch libraries.

(i) To provide for extending the privileges and use of such library and branch libraries to persons residing outside of the city of Los Angeles, upon such terms and conditions as said board may, from time to time, by its rules and regulations prescribe, and to require the payment by such persons of dues, and to extend the same for such privileges and use.

(j) To require deposits of money for the return of books loaned from the library, in cases where the person borrowing the same cannot furnish such security or guarantors as may be required by the rules and regulations of the said board, and in case of the loss of such books, or the return thereof in a damaged condition, to deduct from such deposits, or to collect from such security, the cost of replacing such books or restoring the same to good condition, and to declare forfeited all such deposits that shall remain undrawn for five years.

Sec 87. All moneys derived from such sales of books and other property, from fines, penalties, dues, deposits, forfeited deposits and donations from sources shall be paid into the city treasury at the end of each calendar month, to the credit of the library fund, and shall be applied to the purposes for which such fund is established.

Sec 88. The library department shall consist of the librarian, the assistant librarians, and such officers and employees as the board of library directors may prescribe. All appointments in the library department, except as otherwise provided in this charter, shall be made subject to such civil service regulations as are now or may hereafter be in force. The librarian shall have the power to suspend or remove any officer or employee in the library department, but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of library directors, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position, and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such

suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 89. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain the library department, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the city of Los Angeles, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

Sec. 89a. The public library and reading rooms, known as the Los Angeles public library, is hereby continued in existence; and said library, and all branch public libraries heretofore or hereafter established by the said city, shall be under the management and control of said board of library directors, and shall be free of access to and use by the inhabitants of said city, subject at all times to such reasonable rules and regulations as the said board of library directors may adopt, and said board may exclude from the use of said library and branch libraries any and all persons who shall willfully violate such rules.

Sec. 89b. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "the board of library directors" hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the city of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed to said board, as special trustee, any part of the real property of the city not otherwise appropriated; or to authorize and direct that any park or other real property owned or controlled by the city may be used jointly for library and other purposes.

Sec. 89c. The board of library directors shall have power and are hereby authorized to invest any savings or surplus in the library fund at the close of each fiscal year for the purpose of creating a fund or funds for the acquiring of real estate, erection of buildings, or purchase of books, all for library purposes; *provided*, that such savings or surplus funds may be invested only in United States, state, county, municipal or school bonds, (including any bonds issued by the city of Los Angeles for any purpose); and the income derived therefrom shall be deposited in the city treasury to the credit of the library fund. A full and complete report of the investment of all such funds, together with the nature and form of such investment, shall be made by said board in its annual report in each year.

Sec. 90. The city council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, branch libraries, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

That Article IX of the charter be amended to read as follows:

ARTICLE IX.

POLICE DEPARTMENT.

Sec. 91. There is hereby established a department of the government of the city of Los Angeles to be known as the police department, which shall be under the management and control of three commissioners to be known as the board of police commissioners.

Sec. 92. The mayor, who shall be ex officio a member and president of the board, and two electors of the city, who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder shall hold office until the first Monday of January, 1912, and until their successors are appointed and qualified.

Sec. 93. The police department shall consist of the chief of police, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such policemen, detectives and employees as the council shall by ordinance determine. All appointments in the department shall be made by the chief of police, subject to approval by the board of police commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief of police shall have the power to suspend or remove any officer or employee in the police department; but no such suspension or removal shall be made except for cause, which shall be

stated in writing and filed with said board, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, proceed to investigate the grounds for such suspension or removal. If in the case of a removal the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also find in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall restate him in such position; and if, in the case of a suspension the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the date the same as if such suspension or removal had not been made.

Sec. 94. The salaries of the chief of police, and of all other members and employees of the police department shall be fixed by the council by ordinance.

Sec. 95. The board of police commissioners shall, under the provisions of this article, have power to establish rules and regulations for the government of the police department, and prescribe and enforce the punishment for their violation.

Sec. 95a. The board of police commissioners shall have power to grant licenses, under and in conformity with the ordinances of said city, authorizing the right to issue licenses to persons desiring to engage in the sale of liquor, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly or fraudulent manner. Without such permit no person shall engage in the business of selling liquor.

Sec. 96. The board of police commissioners shall meet at least once a week. The board shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. The secretary shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal. If a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe. The board shall maintain an office, to be provided by the council, for the transaction of the business of the department. A majority of the board of police commissioners shall constitute a quorum for the transaction of business.

Sec. 96a. The board of police commissioners, the chief of police, and other members and employees of the police department, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

That Article XI of the charter be amended to read as follows:

ARTICLE XI

FIRE DEPARTMENT

Sec. 107. There is hereby established a department of the government of the city of Los Angeles to be known as the fire department, which shall be under the management and control of a board of three commissioners, to be known as the board of fire commissioners.

Sec. 108. The mayor, who shall be ex officio a member and president of the board, and two electors of the city who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners. The appointive members of the board of fire commissioners shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder, shall hold office until the first Monday in January, 1912, and until their successors are appointed and qualified.

Sec. 109. The fire department shall consist of a chief engineer of the fire department, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such firemen and employees as the council shall by ordinance determine.

Sec. 110. All appointments in the fire department shall be made by the chief engineer of the fire department, subject to approval by the board of fire commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief engineer of the fire department shall have the power to suspend or remove any officer or employee in the fire department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of fire commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal the

said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 111. The salaries of the chief engineer of the fire department and of all other officers and employees of the fire department shall be fixed by the council, by ordinance.

Sec. 111a. The board of fire commissioners shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. He shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe.

Sec. 112. The board of fire commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the fire department, and prescribe and enforce the penalties for their violation.

Sec. 112a. In case of fire occurring on any vessel in Los Angeles harbor, or in the other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, full power and authority to direct and command the operation of extinguishing said fire and to take the necessary precautions to prevent communication thereof to the shipping in said harbor and other waters, or to the docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, shall be vested in the fire department of the city of Los Angeles.

The officers of said fire department in charge at the scene of any such fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the communication thereof to the shipping in said harbor and other waters, or to any docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, and in the course of such operation may prohibit the approach of such fire or to a vessel, dock, wharf, pier, warehouse or other building or structure in danger therefrom, of any tugboat or other vessel, or of any person; or may remove or cause to be removed and kept away from the vicinity of such fire all tugboats and other vessels, all idle and suspicious persons and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof.

Any person who shall in any way obstruct the operations of said fire department in connection with any such fire, or who shall disobey any lawful command of the officers of said fire department in charge at the scene of such fire, or of the police in cooperating with them, shall be deemed guilty of a misdemeanor and shall be punishable in such manner as may be prescribed by ordinance.

Nothing in this section contained shall be construed to limit the authority of the master or officers of any such vessel on fire or in danger from fire, subject to the general authority granted herein of the fire department to control the operations in protection of the public interest.

Sec. 112b. The board of fire commissioners and the chief engineer of the fire department, and all other officers and employees of the fire department, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

That Article XII of the charter be amended to read as follows:

ARTICLE XII.

PARK DEPARTMENT.

Sec. 113. There is hereby created a department of the government of the city of Los Angeles to be known as the park department, which shall be under the management and control of a board of three commissioners, to be known as the board of park commissioners.

Sec. 114. The members of the board of park commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a park commissioner who is not a qualified elector of the city of Los Angeles. The members of said board shall serve without compensation.

Sec. 115. The term of office of the members of the board of park commissioners shall be four years; *provided, however*, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 116. Immediately after their appointment, the members of the board of park commissioners first appointed hereunder shall organize by electing one of their members president, who shall hold his office for one year, and until his successor is elected.

unless his membership on the board sooner expires. The board of park commissioners shall appoint a secretary and a member of the board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all the proceedings of the board, specifying the nature of the communications presented at all meetings, and giving the action and vote upon all cases. The secretary of the board may certify such proceedings under his seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec. 117. The board of park commissioners shall maintain an office, to be provided by the council, and preside in their board for the administration of the code. It shall hold regular meetings at least once in each week.

Sec. 118. The board of park commissioners shall have power:

(a) To make and enforce all such rules and regulations as may be necessary or expedient for its own purposes, for the government of the park department, for the conduct of the officers and employees of said department, and for the administration, government and protection of the parks and park system of the city of Los Angeles, and may prescribe and enforce penalties for the violation of such rules and regulations, subject to ordinances of the council.

(b) To appoint and define the duties of a superintendent of parks and game, wardens and other employees as may be prescribed by ordinance, subject to such rules and service rules and regulations as may be prescribed by ordinance, and to discharge, remove or suspend those subject to the provisions of this chapter.

(c) To purchase and lease property for park purposes, or for the use and benefit of the park department, and to have general supervision, control, care and custody of all real and personal property owned by the city of Los Angeles and used in and about the parks or park system of said city, and generally to do any and all things that may be necessary to carry out the spirit and intent of this chapter in establishing, maintaining, operating, improving and enlarging the public parks and park system of the city of Los Angeles, and

(d) Subject to such ordinances as may from time to time be adopted by the council, to have and exercise charge, superintendence and control of the design, location, construction, maintenance and use of all buildings, pavilions and other structures, and all fountains, statues, sculptures, monuments, arches or other structures in such parks, pertaining to park purposes, and intended for the enjoyment of the public, or for the ornamentation of such parks.

Sec. 119. The board of park commissioners may, for and on behalf of the city of Los Angeles, receive donations, legacies or bequests for the improvement or ornamentation of said parks or park system, or for the acquisition of any parks, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the treasury of the city of Los Angeles, to the credit of the park fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks and park system. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, and park system, the board may invest all or a part of the same in interest-bearing bonds of the United States or of the State of California, or of any county, municipality or school district thereof. As to all such property the board of park commissioners shall be deemed and considered to be a special trustee thereof for the city of Los Angeles.

Sec. 119a. The board of park commissioners shall have such additional powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 119b. All lands and real property located in the city of Los Angeles which have been heretofore, or which may be hereafter set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part of said lands or real property shall ever be used or occupied for any other purpose.

That Article XIII of the charter be amended to read as follows:

ARTICLE XIII.

HEALTH DEPARTMENT.

Sec. 120. There is hereby established a department of the government of the city of Los Angeles to be known as the health department.

Sec. 121. The health department shall be under the management and control of a commissioner, to be known as the health commissioner. He shall devote all his time to the performance of the duties of his office, and shall have such powers and perform such duties, in addition to those prescribed in this charter, as may be prescribed from time to time by ordinance. The person holding the office of health officer at the time of the adoption of this article shall be entitled to take and hold the office of health commissioner until removed by the mayor, or his successor is appointed.

Sec. 122. The health commissioner shall be appointed by the mayor, subject to confirmation by the council. He shall receive such compensation as may be prescribed by ordinance. He shall be provided by the council with a suitable office and rooms in which to transact the business of the health department.

Sec. 123. The health department shall consist of as many physicians, officers, chemists, inspectors, clerks, assistants and other employees as the council may, by ordinance, from time to time determine to be necessary. All appointments in the health department shall be made by the health commissioner, subject to such civil service rules and regulations as are now or may hereafter be in force. He shall have power to suspend or remove any of such appointees, subject to the provisions of this charter.

Sec. 124. The health commissioner shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years prior to his appointment. He shall be licensed to practice medicine in the State of California. The qualifications, salaries and duties of all officers, chemists, inspectors, clerks, assistants and other employees in the health department shall be such as the council may by ordinance prescribe.

Sec. 125. The health commissioner shall have supervision, jurisdiction and control, under such ordinances as may from time to time be adopted by the council, of the sanitary condition and the general health of the city, and of all matters pertaining thereto, including also the sanitary condition of all schools, jails, hospitals, and other public buildings, and all health establishments or institutions of whatever kind, whether public or private. He shall have power, and it shall be his duty to see that all such ordinances and all rules and regulations of his department are enforced, and may call upon any police officer or officers at any time to assist in the enforcement thereof. The health commissioner shall have power, subject to approval by a majority of the council, to make rules and regulations for the conduct of the health department, and the carrying out of his powers, not in conflict with this charter or any ordinances of the city.

Sec. 126. The health commissioner and all regularly appointed officers and employees of the health department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the city pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person guilty of such violation.

That Section 239 of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to the following departments of the city, to wit:

- The department of the city clerk,
- The fire department,
- The treasurer's department,
- The tax and license collector's department,
- The police department,
- The auditor's department,
- The assessor's department,
- The health department,
- The department of public works,
- The department of public service,
- The library department,
- The park department,
- The department of public utilities,
- The harbor department,
- The playground department,

All other employees of the city;

Provided, that the following shall be exempt therefrom, to wit:

- All officers elected by the people,
- All members of the several boards and commissions,
- The mayor's clerk,
- The city clerk,
- The chief of police and his secretary,
- The treasurer and his chief deputy,
- The city engineer and his chief deputy,
- The assistant harbor engineer,
- The tax and license collector and his chief deputy and cashier,
- The chief deputy of the auditor,
- The city superintendent of schools and his assistants and deputies, and all teachers and employees in the school department,
- The assistants, deputies, clerks and stenographers of the city attorney,
- The city prosecutor, and his assistants, deputies, clerks and stenographers,
- The librarian, and the heads of the several departments in the public library,
- The superintendent of parks,
- The secretary of the park commission,
- The secretary of the police commission,
- The health commissioner,
- The chief engineer of the fire department,

The chief engineer of water works, the board of public health, and cashier of the department of public service.

The electrical engineer.

The engineer and secretary of the board of public instruction.

The secretary of the board of public service.

The post-warden and prison.

The secretary of the playground commission.

The purchasing agent.

The inspector of public works.

All physicians appointed by the health commissioner.

All officers of election.

The police surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this section upon the request of the head of the department in which they are employed, by order of the board of civil service commissioners, adopted by the majority resolution passed by the vote of two-thirds (two out of all the members, to-wit: two) of the board and second deputies in any department or officer of such department whose name is on the above provided. The board of officers, including officers, (1) Persons employed on the construction of public works, improvements or buildings; (2) Persons employed to render professional scientific, technical or expert services of an exceptional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the board of civil service commissioners.

That Section 240 of the charter be amended to read as follows:

Sec. 240. The officers, members and employees of the police department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the fire department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the library department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

That Section 241 of the charter be amended to read as follows:

Sec. 241. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to remove or discharge any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause, which shall be stated in writing by the board, commission or officer having the power to make such removal or discharge, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so removed or discharged, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such removal or discharge shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so removed or discharged, filed with said board within five days after service upon him of such statement, shall, proceed to investigate the grounds for such removal or discharge. If after such investigation said board finds upon oaths that the grounds stated for such removal or discharge were insufficient or were not sustained, and also finds in writing that the person removed or discharged is a fit and suitable person to fill the position from which he was removed or discharged, said board shall order said person so removed or discharged to be reinstated. The order of said board with respect to such removal or discharge shall be forthwith certified to the appointing board, commission or officer, and shall be final and conclusive. If the board of civil service commissioners shall order that any person removed or discharged under the provisions of this section be reinstated, as above provided, the person so removed or discharged shall be entitled to receive compensation from the city the same as if he had not been removed or discharged by the appointing board, commission or officer.

The provisions of this section shall not apply to the removal or discharge of officers, members and employees in the police department, in the fire department, and in the library department; but the officers, members and employees in said departments, respectively, shall be subject to removal and discharge as provided elsewhere in this charter.

That Section 242 of the charter be amended to read as follows:

Sec. 242. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be suspended except for cause, which shall be stated in writing by the board, commission or officer having the power to make such suspension, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended, filed with said board within five days after service upon him of such statement, shall, proceed to investigate the grounds for

such suspension. If, on such investigation said board finds in writing that the grounds for such suspension were insufficient or were not sustained, said board shall restore the person so suspended to duty. The order of said board with respect to such suspension shall be certified to the appointing board, commission or officer, and shall be final and conclusive; *provided*, that the order of any appointing board, commission or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said board of civil service commissioners.

If the board of civil service commissioners shall order that any person suspended under the provisions of this section be restored to duty, as above provided, the person so restored to duty shall be entitled to receive compensation from the city the same as if he had not been suspended by the appointing board, commission or officer.

The provisions of this section shall not apply to the suspension of officers, members and employees in the police department, in the fire department and in the library department; but the officers, members and employees in said departments, respectively, shall be subject to suspension as provided elsewhere in this charter.

CHARTER AMENDMENT NUMBER FIVE.

That subdivision *e* of Section 143 of the charter be amended to read as follows:

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive such salary as the council shall by ordinance prescribe. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That subdivision *g* of Section 143 of the charter be amended to read as follows:

(*g*) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe, and whose salary shall be fixed by the council. The inspector of public works shall give such bond to the city, conditioned for the faithful discharge of the duties of his office, as the council shall prescribe.

That subdivision *h* of Section 143 of the charter be amended to read as follows:

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated as the city engineer. He shall receive such salary as the council shall by ordinance prescribe, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

That subdivision 6 of Section 146 of the charter be amended to read as follows:

(6) Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works and electric power and light works and systems, and except wharves, piers, docks, warehouses and other utilities of the city pertaining to the water front, harbors and other navigable waters within the city.

That Section 146½ of the charter be amended to read as follows:

Sec. 146½. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River; *provided*, that, upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of public service commissioners, as in the case of other water works belonging to said city.

The board of public works shall also have charge, superintendence and control of the design, construction and establishment of wharves, docks, piers, warehouses, sea walls and other improvements on the water front, and the approaches thereto to be constructed or acquired by or through the expenditure of the proceeds of harbor improvement bonds, which are now or may be authorized prior to January 1, 1912, under such designs and plans as may be adopted by the board of public works, with the approval of the board of harbor commissioners; *provided*, that upon the completion of any such improvement upon the water front, the same shall thereafter be managed, controlled and maintained by the board of harbor commissioners. And the proceeds of all harbor improvement bonds that may be authorized after January 1, 1912, shall be expended by the board of harbor commissioners.

That the charter be amended by adding a new article thereto, to be known as Article XV and to read as follows:

ARTICLE XV

DEPARTMENT OF PUBLIC UTILITIES.

Sec. 152. There is hereby created a department of the government of the city of Los Angeles to be known as the department of public utilities, which shall be under the management and control of a board of three commissioners to be known as the board of public utilities.

Sec. 153. Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. The term of office of members of the board of public utilities shall be four years, except that the term of office of the members first appointed hereunder shall terminate with the taking effect of this article, and said three members shall so divide themselves so that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1914, and one on the first Monday in January, 1917. If any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

Sec. 154. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, exercise his powers as president on the board sooner expires. Provided, however, that the term of office of the president first elected shall expire on the first Monday in January, 1912. The board shall maintain an office to be provided by the city council, and shall keep the same open for the convenience of the public during such hours as may be prescribed by ordinance. The board may appoint a secretary, who is not a member of the board, who shall receive such compensation as the council by ordinance may prescribe. The secretary shall keep a record of the proceedings of the board, and enter therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes, and shall perform such other duties as are herein or may by order of the board be imposed upon him. Said board shall hold regular meetings at least once in each week, and special meetings may be held upon a written call therefor, signed by the president, or by two members of the board, and notice of any special meeting shall be given by the secretary to the same extent as may be prescribed by ordinance for special meetings of the council.

Sec. 155. The powers and duties of the board of public utilities shall be as follows:

1. To make, at such times as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating in the city of Los Angeles, water, electric lighting, power, gas, telephone systems, street railways, or inter-urban railroads, or other public service utilities in the city of Los Angeles (excluding wharves, docks, warehouses and other utilities pertaining to the water front of Los Angeles harbor or to other navigable waters in said city), and compile such data as may be necessary to determine the proper charges for the services furnished or supplied by such persons, firms or corporations, as provided in this chapter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar systems and utilities in other municipalities. The board shall have the right at all times and at times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with such or any public utility, whether such property be situated within or without the city of Los Angeles, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data, and to require reports respecting said matters from such persons, firms or corporations at such time and in such form as said board may prescribe.

2. To fix, subject to approval, change or modification by the council, as hereinafter provided, the rates to be charged and collected for the services mentioned in subdivision one of this section (except the rates for the use of docks, wharves, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in said city), such rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but on no account for a period less than one year, nor for a longer period than three years. Such rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board, shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates specified in any such resolution may, within fifteen days after the expiration of such publication file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the

rates objected to. If such rehearing be ordered, the council shall consider such rates and shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates by approving, changing or modifying the same, such approval, change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates fixed by the said board of public utilities, the affirmative vote of two thirds of the entire council shall be necessary.

All rates, to which no objections are filed or offered, shall be deemed to be finally fixed by said board of public utilities. All rates finally fixed, under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any public service utility in the city of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in the city of Los Angeles), or furnishing any public service to the said city or its inhabitants, including the supplying of water, electric light, power, gas, and telephone service, and the operation of street railways and interurban railroads, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all public utilities operated, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, including also the inspection and testing of meters, both gas and electric, and the testing of gas, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all public service franchises granted by the city that are now in existence, or that may hereafter be granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other public franchises exercised in the city of Los Angeles.

6. To make a report to the council, in the month of August of each year, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year ending on the 30th day of June last preceding, together with such information and suggestions relative to the public services and utilities furnished or operated in the city of Los Angeles as it may deem of general interest.

Sec. 156. Every application made to the city council for a franchise for any public service or utility (except wharves, docks, warehouses or other utilities pertaining to the water front, to Los Angeles harbor, and other navigable waters within said city), shall, before any action is taken thereon, be referred by the council to the board of public utilities for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the city council, nor unless such application shall have been referred to the board of public utilities as aforesaid; *provided, however*, that if said board shall fail to report thereon within the time herein prescribed, or as extended by the council, nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire council.

Sec. 157. The board of public utilities shall be entitled to the assistance of the city attorney, city prosecutor, chief of police, city engineer and other city officers whenever the same shall be required. Said board is also hereby authorized to employ or contract in behalf of the city for the services of such engineers and such persons qualified to render professional, scientific, technical or expert services as the board may deem necessary, and to fix the compensation of all such persons.

Sec. 158. The board of public utilities shall appoint, subject to such civil service regulations as are now or may hereafter be in force, such inspectors, clerks and other officers and employees as the council, by ordinance may from time to time prescribe. They shall receive such compensation as may be fixed by the council by ordinance. Said board shall have power to discharge, remove or suspend any such person, subject to the provisions of this charter.

Sec. 159. Whenever required by the board of public utilities, it shall be the duty of any person, firm or corporation operating a system for supplying water,

electric light power gas or telephone service to the city of Los Angeles and its inhabitants, or operating a street railway or other transit system, or other public service utility in said city (except wharves, docks, piers, levees, and other works pertaining to the water front of Los Angeles harbor, or other navigable waters in said city) to permit the members of the board of public utilities, such board being designated by such board, to inspect the accounts of such company or utility relating to the operation or maintenance thereof, and to the various accounts connected with the same, and to examine the books, maps and other records showing the various physical assets, property and financial condition of the person, firm or corporation owning the same.

Sec. 160. Whenever any pipe, or wire, or cable, or power line, or other structure, firm or corporation furnishing electricity, power, gas or water or telephone service or any other utility or service, in the territory of the city shall be within one thousand feet of any residence or building, it shall be the duty of such person, firm or corporation upon application of the person owning or occupying the said residence or building to extend such pipe or wire, or cable, or other structure, with such extension of building, upon the deposit by such applicant of such sum of money as shall be determined by the board of public utilities if the utility is not subject to the amount thereof. Whenever any extension or other improvement is made in pursuance of the provisions of this section the charges for all material furnished thereunder shall be credited by the person, firm or corporation furnishing such service as all offset against the amount so deposited for such extension or improvement, and the amount of such charges shall equal the amount of such deposit.

Sec. 161. The board of public utilities subject to confirmation and ratification by the council, shall have power, by order or resolution entered upon the minutes of said board, to make and enforce rules and regulations concerning the operation of all public utilities in the city of Los Angeles, other than those owned or operated by the city of Los Angeles, and shall also have power, by order or resolution, to make and enforce such reasonable by-laws, rules, regulations and modes of procedure as may be necessary for its government and for the execution of the powers conferred upon the performance of the duties imposed upon said board by this article. All such rules, regulations and by-laws shall be published once in a public newspaper, printed, published and circulated in said city, and shall take effect upon such publication. Said board shall also have power to make such rules and regulations for the conduct of the officers and employees in the department of public utilities as said board may deem proper.

Sec. 162. Each member of the board of public utilities is hereby authorized and empowered to administer oaths and subpoenas in all matters connected with pertaining to the exercise of the duties or powers of said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, on request to any person or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be signed and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas which may be issued by said board from time to time.

Sec. 163. The council shall pass and adopt all ordinances necessary for the enforcement of the provisions of this article, and to enable the said board of public utilities to exercise the powers and to perform the duties granted or imposed upon it by this article. And said board shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 164. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey any subpoena issued by said board, or to conform to any order of said board of public utilities, or any rule or regulation of the said board with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 165. That any ordinance of said city creating a department of public utilities providing for a board of public utilities, and the appointment of the members thereof, and prescribing the powers and duties of such board, adopted by a vote of the people of the city of Los Angeles or otherwise be and the same is hereby repealed.

That the charter be amended by adding a new article thereto, to be known as Article XVI, and to read as follows:

ARTICLE XVI.

HARBOR DEPARTMENT.

Sec. 168. There is hereby created a department of the government of said city to be known as the "harbor department", which shall be under the management and control of a board of three commissioners, to be known as the board of harbor commissioners.

Sec. 169. The members of the board of harbor commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall

be appointed a harbor commissioner who is not a qualified elector of the city of Los Angeles. The members of the said board shall serve without compensation.

Sec. 170. The term of office of the members of the board of harbor commissioners shall be four years. The term of office of the three members first appointed hereunder shall commence upon the taking effect of this article, and said three members shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term, subject to confirmation of a majority of the council. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership in the board sooner expires; *provided, however*, that the president first elected shall hold his office until the first Monday in January, 1913, and until his successor is elected, unless his membership in said board sooner expires.

Sec. 171. The president of the board of harbor commissioners shall be the executive officer of the harbor department.

Sec. 172. The board of harbor commissioners shall appoint a secretary, not a member of the board, whose salary shall be fixed by ordinance. He shall keep a record of all the proceedings of the board, specifying therein the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec. 173. The board of harbor commissioners shall maintain an office, to be provided by the council, and prescribe office hours for the convenience of the public. It shall hold regular meetings at least once in each week. It shall have power to establish all necessary rules and regulations for the government of the harbor department, and for the regulation of the conduct of the officers and employees therein as it shall deem proper.

Sec. 174. The city engineer shall be the engineer of the board of harbor commissioners, and shall be ex officio harbor engineer of the city; and in addition to his duties otherwise prescribed in this charter, he shall perform such engineering and surveying necessary for the public work done under the direction or supervision of the board, as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying and engineering work as may be required by the board. The board shall also appoint an assistant engineer, to be known as the assistant harbor engineer, who shall assist the city engineer in the performance of his duties as harbor engineer. The assistant engineer shall receive such salary as may be prescribed by ordinance. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

Sec. 175. The harbor department shall consist of a port warden and such harbor inspectors, pilots, wharfingers, warehouse keepers, clerks and other officers and employees as may from time to time be determined by ordinance. The salaries of all officers and employees of the harbor department shall be fixed by ordinance, and said board of harbor commissioners shall prescribe their powers and duties. All appointments in the harbor department shall be made by the board of harbor commissioners, subject to such civil service rules and regulations as may now or hereafter be in force. Said board shall have the power to discharge, remove or suspend all officers or employees in the harbor department, subject to the provisions of this charter. The board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the harbor department, and for the regulation and conduct of its officers and employees, and may prescribe and enforce penalties for the violation of such rules and regulations. The board of harbor commissioners may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Sec. 176. The board of harbor commissioners shall have possession and control, under such ordinances as may from time to time be adopted by the council, of the entire water front of the city, and of Los Angeles harbor and other navigable waters within the limits of said city and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating in or fronting upon the navigable waters within the city of Los Angeles as may be used for such purposes without obstructing the same as thoroughfares.

Sec. 177. The board of harbor commissioners, subject to such ordinances as the council may from time to time adopt, shall have power:

(a) To make, adopt and enforce by-laws, rules and regulations regarding the use and control of the water front, Los Angeles harbor, and all other navigable waters within the limits of the city of Los Angeles, and the anchoring, mooring, towing, docking and landing of all steamships, vessels and other water craft therein, respecting pilotage and towage, and the placing, installment and maintenance of buoys, bells, lights and fog horns in and upon said harbor and waters.

(b) To regulate and control the operation and use of all wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, railways and other utilities, structures and appliances for the accommodation

of commerce in Los Angeles harbor and other navigable waters within the limits of said city, for the taking on and landing of passengers, and the loading and discharging of the cargoes of steamships, vessels and other water craft thereon.

(c) To fix, regulate and control rates or charges for wharves, docks, piers and crannage of all steamships, vessels and other water craft admitted to the wharves, piers, docks, slips, quays, landings, piers, wharves, slips, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the city; the rates of towage and piloting in said harbor and navigable waters, and the rates or charges on all ferries, steamships, vessels or other water craft owned, controlled or operated by said city, and to fix, regulate and control rates or charges for the use of all warehouses, elevators, bulkheads, marine ways, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the city, and constructed or used for the loading and unloading of cargoes of steamships, vessels and other water craft, and for the stowage, receipt and for the use of the appliances for the taking on or discharging of passengers by or from such steamships, vessels or other water craft.

(d) The powers conferred by this section upon the said board of harbor commissioners shall be exercised by resolution or order approved by a majority of its members, and recorded in the minutes with the time and name or names. Every such resolution or order shall be published in the same manner as ordinances of said city, and shall take effect upon such publication, provided, that no such resolution or order of the said board fixing any rates, charges, fines or tolls, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the council, by ordinance, and shall as thereafter approved be at least three days in a newspaper printed, published and circulated in the city of Los Angeles. Any person, firm or corporation who shall violate the provisions of any such resolution or order shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the city jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec. 178. In case of fire occurring on any vessel in Los Angeles harbor, or in other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or within same, and authority respecting the extinguishment thereof and in general the spending thereof, shall be vested in the fire department as in this charter provided.

Sec. 179. The board of harbor commissioners, except as otherwise in this charter provided, shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the council:

(a) Of the design, construction, maintenance and repair of all sea walls, bulkheads, piers, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances owned, operated or maintained by the city for the accommodation of commerce at and upon the water front, Los Angeles harbor and the navigable waters within the limits of said city, for the landing of steamships, vessels and other water craft thereon, for the loading, discharging and storing of the cargoes of such steamships, vessels and other water craft, and of all appliances erected, constructed or installed by the city for the taking on or discharging of passengers by or from such steamships, vessels and other water craft;

(b) Of the dredging, deepening, widening and clearing of all slips, docks, channels, canals, basins, waterways and other waters in Los Angeles harbor and other navigable waters within the limits of said city, and of the acquisition, construction and operation of dredging machines, scows, tugs and other machinery or appliances therefor, and of the employment of persons to operate the same, provided, however, that whenever any such slips, docks, channels, canals, basins, waterways or other waters shall be so dredged, deepened, widened or cleared, the materials taken therefrom shall be deposited in such place or places as the board of harbor commissioners shall designate.

(c) Of all wharves, piers, docks, quays, slips, landings, dry docks, marine ways, elevators, cranes, derricks, warehouses, and other structures, marine ways, railways and all other structures and appliances owned, controlled or operated by the said city for the landing of vessels, the loading and unloading of their cargoes, and the storage thereof, the taking on and discharging of their passengers.

(d) Of all ferries, tow boats, pilot boats, steamships, and other vessels and water craft owned, operated or controlled by said city.

Sec. 180. In addition to the powers and duties heretofore provided, the board of harbor commissioners shall exercise and perform the further powers and duties:

1. To make at such times, as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining ferries, wharves, piers, docks, quays, slips, landings, elevators, cranes, bulkheads, marine ways, warehouses, and other public service utilities pertaining to the water front, Los Angeles harbor and other navigable waters in the city, and collecting fares, wharfage, deckage, tolls and other charges for the use of the same, in the city of Los Angeles, and compile such data as may be necessary to determine the proper losses and charges for the services furnished or supplied by such persons, firms or corporations, as provided in this charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and

such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar works and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with each such public utility, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data.

2. To fix, subject to approval, change or modification by the council, as hereinafter provided, the amount of licenses to be imposed and collected by the city and the rates to be charged and collected for the services mentioned in subdivision one of this section, such licenses and rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor more than three years. Such licenses and rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates or licenses specified in any such resolution may, within fifteen days after the expiration of such publication file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the rates or licenses objected to. If such rehearing be ordered the council shall consider such rates or licenses, shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates or licenses by approving, changing or modifying the same, such change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates or licenses fixed by the said board of harbor commissioners, the affirmative vote of two thirds of the entire council shall be necessary.

All rates or licenses to which no objections are filed or offered, shall be deemed to be finally fixed by said board of harbor commissioners. All rates or licenses finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any ferry, wharf, pier, dock, quay, mole, slip, landing, elevator, crane, derrick, marine way, warehouse, and other public service utility pertaining to the water front, to Los Angeles harbor and other navigable waters in the city of Los Angeles, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in said city, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all franchises or other grants or leases for ferries, wharves, piers, docks, quays, moles, slips, landings, or other public service utilities granted or given by the city or by other authority, in, upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in said city that are now in existence, or that may hereafter be given or granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other like public franchises exercised in the city of Los Angeles.

6. To make a report to the council, in the month of August of each year, for the year ending on the 30th day of June last preceding, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing the licenses thereof and their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year for which it is made, together with such information and suggestions relative to the development and improvement of the water front, Los Angeles harbor and other navigable waters in the city, and the commerce thereof, as it may deem of general interest.

See, 181. Every application made to the city council for a franchise for any ferry, wharf, pier, dock, quay, mole, slip, landing, or other public service utility, in, upon or pertaining to the water front, Los Angeles harbor, or other navigable waters

within said city, shall, before any action is taken thereon, be referred by the council to the board of harbor commissioners for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, on the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, on the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No such franchise shall be advertised for sale or granted except upon an application therefor in writing, submitted with the city engineer, but unless such application shall have been referred to the board of harbor commissioners, as aforesaid, *provided, however*, that if said board shall fail to report thereon within the time herein specified, or as extended by the council, nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from granting the same as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the council.

Sec. 182. Every application for the right, privilege or franchise to use any portion of the water frontage of tide lands or submerged lands belonging to the city of Los Angeles, whether filled or unfilled, shall be granted or refused by the council. Such application shall state the purposes for which such water frontage, tide lands or submerged lands are proposed to be used. Before any action is taken thereon by the council, such application shall be referred by it to the board of harbor commissioners, which shall investigate the same and shall submit thereon a report. If such application shall have been so referred, no action shall further thereon be allowed by the council, report to the council, or anything in connection therewith, relative thereto. If, in the judgment of said board, such application should not be granted, said board shall so report, stating its reasons therefor; but if, on the judgment of said board, such application should be granted, said board shall in its report specify the terms, stipulations and conditions thereof, and the purposes for which the same may be used, subject to the limitations thereon prescribed in this charter, in which shall be deemed by said board to be proper or necessary in the premises. No application to use any portion of such water frontage, tide lands or submerged lands shall be granted, except in pursuance of an application thereon in writing, submitted with the city engineer and referred to the board of harbor commissioners as aforesaid, *provided, however*, that if said board shall fail to report its recommendation thereon within the time above specified, or as so extended by the council, the council may, at its discretion, proceed to grant said application or under such right, privilege or franchise to be given, as in the charter of said city is provided, and *provided, further*, that no such application shall be granted and no such right, privilege or franchise shall be given contrary to the recommendations of the board of harbor commissioners, except the same be granted or given by a vote of three-fourths of all the members of the council, taken by ayes and noes, and entered upon the minutes of the council.

Sec. 183. The board of harbor commissioners shall have power, subject to the provisions of this charter, to lease, in the name of the city and for the benefit thereof, for terms not exceeding thirty years, and when authorized by ordinance determining the terms and conditions and limitations of such lease, any portion of any tide lands or submerged lands belonging to or under the control of the city of Los Angeles, whether filled or unfilled, that shall be declared by the council, by ordinance, or by other legal authority, to be not required for any public purpose or use, and all such leases shall be subject to such limitations and restrictions as are provided in this charter provided. No such lease shall be made except after advertisement of notice by said board for not less than ten days in a daily newspaper printed, published and circulated in said city, inviting proposals therefor, stating explicitly the terms and conditions of the proposed lease. The said board shall have and must reserve, in all cases, the right to reject any and all bids, and shall award such lease to the highest responsible bidder at the highest rent, *provided, however*, that no such lease shall be executed or be valid or binding upon the city unless the same is approved by the council by ordinance adopted by a two-thirds vote thereof. All such leases shall provide for readjustment of the rental every ten years.

Sec. 184. Each commissioner is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of the said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. The council shall, by ordinance, provide suitable penalties for disobedience of such subpoenas, and for the refusal of witnesses to testify before such board, or to otherwise comply with such subpoenas.

Sec. 185. All moneys received or collected from or arising out of the use or operation of wharves, piers, docks, ships, moles, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, forries, steamships, vessels and other

water craft, tug boats, and all other works, appliances or utilities owned, operated or controlled by the city of Los Angeles in or upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in the said city, all fees for pilotage, and all rents or other charges for rights, privileges or franchises granted for the use of water frontage, tide lands or submerged lands, all rents for leases of such lands, all compensations, except licenses, required to be paid by franchise or otherwise by law or by ordinance to the city for the operation of ferries, wharves and other public service utilities pertaining to said harbor and other navigable waters shall be deposited in the city treasury to the credit of a fund to be known as the "harbor revenue fund", and shall be kept separate and apart from other moneys of the city. Said board of harbor commissioners shall have power, subject to the provisions of this charter, to order and contract for the expenditure of all moneys in said fund as hereinafter provided. Moneys shall only be drawn from said fund upon demands authenticated by the signature of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said harbor revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding harbor improvement bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said harbor revenue fund.

Excepting as otherwise provided in this charter, none of the moneys in said harbor revenue fund, or coming under the control of said board of harbor commissioners, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting the harbor department, or operating the wharves, piers, docks, slips, quays, moles, landings, warehouses and other utilities, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft, and other works, appliances and utilities owned, operated or controlled by the city and pertaining to the water front, to Los Angeles harbor and the navigable waters in the city.

Second For the acquisition, construction and completion of seawalls, embankments, bulkheads, wharves, ferries, docks, slips, quays, moles, landings, warehouses, and other structures, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft, and other appliances and utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in the city, for the dredging, deepening and clearing of the waters and channels within the limits of the city, and for extraordinary improvements and betterments to the property under the management and control of said board, including also the purchase of necessary lands and other property.

Third—The payment, as above provided, of installments of the interest or principal, or of interest and principal, coming due on outstanding harbor improvement bonds.

Sec. 186. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey or conform to any order of said board of harbor commissioners, or any rule or regulation of the said board, with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment, and the provisions of this charter relative to such punishment shall apply.

That Article XVIII of the charter be amended to read as follows:

ARTICLE XVIII.

DEPARTMENT OF PUBLIC SERVICE.

Sec. 190. The city of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the river Los Angeles, heretofore vested in it, its predecessors or predecessor including the Pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use and utilize, all waters flowing beneath the surface in the bed of said river at any point or points between the points of terminus above named.

Sec. 191. The said city shall not convey, lease or otherwise dispose of its rights in the waters of said river Los Angeles or any part thereof, or grant or lease to any corporation or person any right or privilege to use, manage or control the said waters, or any part thereof, for any purpose public or private. No other water or water right, now or hereafter owned or controlled by the city, and no right to generate or develop electric or other power by means of any water or

water right, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased or disposed of, in whole or in part, without the consent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be properly submitted; and no electric power, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased, or disposed of, to any person or corporation for resale, transmission, disposal or distribution, to consumers, or other person, without the consent of two thirds of the qualified voters of the city given at a specially provided hearing; that nothing in this section contained shall be construed to prevent the ordinary sale and distribution, by the city, in the ordinary business transaction, of the water belonging to or controlled by the city, to the inhabitants thereof, or persons doing business therein, for domestic and fireproof uses and for manufacturing and business purposes, other than water power, or to prevent the ordinary sale and distribution, by the city, in the ordinary business transaction, of the electric power belonging to or controlled by the city, to the inhabitants thereof, and persons doing business therein, for their own use, or to prevent the ordinary sale and distribution, by the city, of any surplus water or surplus power, belonging to or controlled by the city, and not required for distribution to consumers within the limits of municipal corporations, and to consumers and users, outside of the city, provided, further, that no water shall ever be sold, or distributed to any person or corporation, other than municipal, for mining, power, or otherwise, or otherwise, or other purposes.

Sec. 192. There is hereby established a department of the government of said city to be known as the "Department of public service," which shall be under the management and control of a board of public service commissioners.

(a) Said board shall consist of five members, who shall be appointed by the mayor, subject to confirmation by a majority of the council.

(b) The appointment of said commissioners shall be made without regard to political opinions, but with reference to their fitness for such office.

(c) The term of office of the public service commissioners shall be four years, provided, however, that upon the taking effect of this article the first members of said city then in office shall be and become the public service commissioners of the city, and shall continue in office as such commissioners until the expiration of the terms for which they were appointed, respectively; and until their successors are appointed and qualified to take office, they may the term or terms of office of said water commissioners shall expire on the first Monday in January of the fourth calendar year immediately following his appointment.

The mayor shall, subject to confirmation by the council, fill any vacancies by appointment for the unexpired term.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected; and they may appoint a secretary, who shall be a member of the board, and fix his compensation.

(e) The president of the board of public service commissioners shall be the executive officer of the department, and shall perform such duties as the board may prescribe. He shall devote completely and exclusively to the duties of his office as much time as necessary for the proper supervision and direction of the business of the department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand to be authenticated by seal, if a seal be adopted and supplied by the board for that purpose, and shall perform such other duties as the board may prescribe.

(f) The board shall maintain an office, and its regular office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of \$1,000 per annum, payable in equal monthly installments.

(g) The board of public service commissioners shall have power:
To manage and control all waters, water rights, water-bearing lands, water-works, reservoirs, canals, ditches, and all other plants, works, systems and equipments, and all electric power, belonging to the city.

To construct, operate, maintain and extend water works, dams, reservoirs, canals, ditches, canals, conduits, aqueducts and other means for supplying the city and its inhabitants with water; also electric power, works, systems and equipments, and other means for supplying the city and its inhabitants with electricity for light, power, heat and other purposes; and to acquire and take, by purchase, lease, condemnation or otherwise, and, in its own name, to hold, as special trustee for the city, any and all property situated within or without the limits of the city, that may be necessary or convenient for such construction, operation, maintenance or extension.

To supply and distribute any surplus water or surplus electric power, belonging to or controlled by the city, and not required for use within its limits, to consumers outside of the city, for their own use, and to municipal corporations, outside of the city, for municipal uses, or for resale, disposal or distribution, by such municipal corporations, to consumers within their limits, respectively; such surplus water and

electric power to be so supplied and distributed, for use outside of the city, under schedules of rates, fixed as hereinafter provided, which shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied, and the value of the service; *provided, however*, that water or electric power shall not be supplied by the city at less rates outside of the city than inside thereof, for the same or similar uses; *provided, further*, that the supplying or distribution of water or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the city of Los Angeles, at any time, to discontinue the same, in whole, or in part, and to take and hold, or to distribute, such water and power, or either thereof, for the use of the city and its inhabitants; and *provided, further*, that contracts for supplying surplus water or surplus electric power by the city to municipal corporations outside of the city may be made by the board, in the name of the city, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by resolution adopted by said board and approved by a vote of two thirds of the members of the whole council, but every such contract must, before the making or execution thereof, be assented to by a majority of the qualified electors of said city voting upon the proposition at a general or special election at which such proposition shall be lawfully submitted; and in every such contract with a municipal corporation, as aforesaid, the right shall be reserved to the city to terminate the same upon three years' written notice to such municipal corporation, to be given by said board whenever it shall be determined and declared by resolution, adopted by said board, and approved by an ordinance of said city, that the water and electric power, or either, to be supplied under such contract, is required for the city of Los Angeles and its inhabitants.

To regulate and control the use, sale and distribution of water and electricity belonging to the city, the collection of water and electric power and light rates, and the granting of permits for connections with said water works, zannas, ditches, electric works or electric systems, and to fix the rates to be charged for such connections, and, subject to the approval of the city council, by ordinance, to fix the rates to be charged for water, electric power and electric light, whether within or without the city limits, and to prescribe the time and manner of payment of the same. Such rates shall be so fixed at least every two years, *provided* that, except as hereinafter otherwise prescribed, the rates to be charged by the city for water or electric power, supplied by it for use within its limits, shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.

To appoint, employ, and, for good cause, remove, a chief engineer of water works, who shall be the successor in office of the superintendent of water works, an electrical engineer, and such assistants, employees and laborers as the board may deem necessary, to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the city attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water, or from any other source in connection with the operation and management of the water works of said city; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, and not appropriated to other purposes, or required to meet outstanding obligations and liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said water revenue fund.

(b) None of the money in said water revenue fund or coming under the control of said board, in connection with the operation and management of the water works of said city, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting the business of said department pertaining to water, of operating and maintaining the water works, and of making all current and ordinary extensions, betterments and repairs.

Second—For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the department of public service pertaining to water, including the purchase of necessary lands, water rights and other property.

Third—The payment, as above provided, of the installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

Provided, however, that said board may, in its discretion, with the approval of the council given as aforesaid, so fix the water rates as to produce a revenue suffi-

cient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to matters of supplying the water works, and of making all current and ordinary extensions, improvements and repairs, and for no other purpose.

To control and order the expenditure of all moneys received from the sale or use of electric power, or otherwise in connection with the operation and management of the electric power works and systems of said city, provided that all such moneys shall be deposited in the treasury of the city, to the credit of a fund to be known as the "power revenue fund," and shall be kept separate and apart from any other moneys of the city, and shall only be drawn from said fund upon warrants authorized by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of voting the amount for such use, in its discretion, by resolution, may vote not more than one-half of the moneys in said power revenue fund, and that appropriated to other purposes or reserved to meet outstanding obligations or liabilities payable out of said fund, are hereby authorized to meet all such claims due the city, or in payment of bonds or other legal indebtedness upon all outstanding contracts, claims, bills, and bills of exchange for water, gas, power, tax, levy, and the city treasurer shall use the moneys so appropriated to make such payment, and for no other purpose, and if there shall be a surplus remaining, the same shall forthwith be retransferred into said power revenue fund.

Except as in this charter otherwise provided, none of the moneys in said power revenue fund, or coming under the control of said board, in connection with the operation of the electric power works, systems or systems of the city, shall be appropriated or used for any purpose or purposes other than the following, to-wit:

First.—For the purchase, construction, improvement, maintenance and extending the business of said department pertaining to power, water, gas, in the electric power works, systems, structures and improvements, and of making all current and ordinary extensions, improvements and repairs.

Second.—For extraordinary improvements of and repairs to the apparatus, works and systems of said department pertaining to electric power, including the purchase of necessary tools, and other articles.

Third.—The payment of claims presented of any nature or amount, or of interest and lawful costs thereon, against the city or its board.

Fourth.—For the purchase, construction, improvement, maintenance or otherwise, or leasing, electric power system, works or systems, provided that such expenditures shall first be authorized by resolution passed by a vote of two-thirds of the members of the city council.

Provided, however, that said board may, in its discretion, with the approval of the council vote as follows: to fix the time for closing books and bills by preparing a report in sufficient detail for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to electric power, or supplying and maintaining power works, plants, structures and improvements, and of making all current and ordinary extensions, improvements and repairs, and of making all current and ordinary extensions, improvements and repairs.

(d) The said board shall also, in its discretion, in a proceeding authorized by a resolution of all of its members, and reported to the council with the time and cost by board, to make and enforce all such resolutions, by-laws, rules and regulations as may be necessary for its government, for the management of its business, or for the efficient operation, and for the exercise of the powers conferred on the board, provided that no such rule, by-law, or other act of the board fixing water rates, or rates for gas, or prescribing the time or manner of payment thereon, shall be effective until the same shall be approved by the city council, and thereafter published for at least three days in a daily newspaper printed and published in the city of Los Angeles.

(e) Three members of the board of public service commissioners shall constitute a quorum for the transaction of business, but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof.

The board shall not make any contract or expenditure for supplies, goods, material's, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published one or more times in the city of Los Angeles, inviting proposals to furnish the same. And the regular contract therefor shall be let to the lowest regular, responsible bidder who shall furnish security for its performance, satisfactory to the board; provided, that the board may reject any and all bids.

(k) The board of public service commissioners shall present to the council, at its meeting in the first week of August in each year, a report for the year ending on the thirtieth day of June, next preceeding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

(l) The council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in Section 190 of this charter), that is now or may hereafter

be used, required or convenient in the operation, maintenance, or extension of a system of water works for supplying the inhabitants of the city of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution, or in the operation, maintenance or extension of plants, works and systems for supplying the inhabitants of said city with electricity.

(m) The board may lease for terms not exceeding five years, any or all of the lands by this article placed under its control for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may, except as otherwise provided in this charter, sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use of the public service department. No real property nor any rights or interest in real property held by said board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters, water rights, electric power, or rights to generate electric or other power, by this article placed under the control of said board, shall be conveyed, leased or otherwise disposed of, except as provided in Section 191 of this charter.

Sec. 193. There is hereby created in the department of public service, a bureau to be known as the bureau of water works and supply. Said bureau shall have charge and supervision, through the chief engineer, but under the direction and control of the public service commission, of the water, water rights, water works and systems of the city, and of the distribution of water belonging to the city.

Sec. 193a. There is hereby created in the department of public service a bureau to be known as the bureau of power and light. Said bureau shall have charge and supervision, through the electrical engineer, but under the direction and control of the public service commission, of the power and lighting systems, works, lines and equipments of the city, and of the distribution of electricity for light, power and other purposes belonging to the city.

Sec. 193b. All water mains hereafter laid in said city by any private person, company, or corporation, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

Sec. 193c. The rates of compensation for use of water to be collected in said city, by any person, company, or corporation, other than the board of public service commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

That the charter be amended by adding a new article thereto, to be known as Article XXVI, and to read as follows:

ARTICLE XXVI.

PLAYGROUND DEPARTMENT.

Sec. 263. There is hereby established a department of the government of the city of Los Angeles to be known as the playground department, which shall be under the management and control of a board of five commissioners to be known as the board of playground commissioners.

Sec. 264. The members of the board of playground commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be made so that not more than three of said commissioners shall be of the same sex. The members of said board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualify; *provided, however*, that the five members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 265. The board of playground commissioners shall organize by electing one of their members president, who shall hold office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board shall maintain an office, to be provided by the council, for the transaction of the business of the playground department. Said board shall hold regular meetings at least once in each week. The board shall appoint a secretary, not a member of the board, who shall receive such salary as may be prescribed by ordinance. He shall keep a record of all its proceedings, specifying therein the names of the commissioners present at all the meetings, giving the ayes and noes upon all votes, and shall also keep a full account of all property, money, receipts and expenditures of the said department.

Sec. 266. The playground department shall consist of a superintendent of playgrounds, and such other officers, assistants and employees as the council shall by

ordinance determine. The salaries of all officers and employees of the playground department shall be fixed by the council by ordinance. All appointments, suspensions and removals in the department shall be made by the board of playground commissioners, subject to such civil service regulations as are now or may hereafter be in force.

Sec. 267. All children's playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city of Los Angeles, either within or without its limits, shall be under the exclusive control and management of the board of playground commissioners.

Sec. 268. The board of playground commissioners shall have charge, supervision and control, under such ordinances as may from time to time be enacted by the council, of the design, construction, maintenance and use of all buildings and other improvements upon playgrounds.

Sec. 269. The board of playground commissioners shall promulgate the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 270. The board of playground commissioners may, for and on behalf of the city of Los Angeles, receive donations, including an donation for the construction or maintenance of said playgrounds, or for the purchase of land thereon, and all moneys that may be derived from such donations, together with moneys from sources otherwise provided by the terms thereof, be deposited in the treasury of the city of Los Angeles to the credit of the playground fund. The same may be expended, borrowed and paid out only in the manner provided for the payment of public debts authorized for the support and improvement of such playgrounds. If no moneys derived from such gifts, bequests or licenses shall at any time appear in the fund, the same necessary for maintenance, expansion or other purposes, the same may be paid out of or a part of the surplus in general fund income of the Board of Supervisors of the State of California or of any county, municipality or school district fund. As to all such property, the board of playground commissioners may, in its discretion, and is authorized to be a trustee or trustee thereof for the city of Los Angeles.

Sec. 271. The council shall have power, by ordinance, to set aside for playground purposes any lands now or hereafter owned or controlled by the city and not held for, or devoted to any other public use.

Sec. 272. The council shall, for the improvement, development and government of children's playgrounds, appropriate moneys from any source or sources, by the payment of the same, be necessary in power, and the amount so appropriated shall be credited to the playground fund.

Sec. 273. The board of playground commissioners, the commissioners of such groups, and all other officers and employees of the playground department, shall have such further powers and perform such further duties as may be granted or imposed by ordinance.

That the charter be amended by adding a new article, chapter, to be known as Article XXVII, and to read as follows:

ARTICLE XXVII

MUNICIPAL ART COMMISSION.

Sec. 274. There is hereby established a commission of the government of the city of Los Angeles to be known as the municipal art commission.

Sec. 275. The municipal art commission shall be composed of the following persons, to wit: The mayor ex officio, the chief executive of buildings or other city engineer, ex officio, five citizens to be appointed by the mayor, subject to confirmation by a majority of the council, and by all members within the jurisdiction of said commission pertaining to any department of the government of the city, the president of the board or commission having charge of such department, or other head of such department, shall act as a member of said commission. The appointive members of said commission shall serve without compensation. They shall be selected by the mayor without regard to sex and shall be known to him as having special knowledge or skill in the fine or applied arts.

Sec. 276. The appointive members of the municipal art commission shall hold office for four years and until their successors are appointed and qualify, provided, however, that the five appointive members of said commission first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur in the appointive members of the said commission, the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 277. The municipal art commission shall organize by electing a president, a vice-president, and a secretary from its own members, who shall hold office for one year and until their successors are elected, unless their membership on said commission sooner expires. Said commission shall have power to adopt rules for its own government and procedure, and shall hold meetings as often as may be prescribed by such rules. Six members shall constitute a quorum for the transaction of business.

Sec. 278. The council shall provide suitable offices for the use of the municipal art commission, and shall provide funds for the maintenance and expenses of the commission, the amount to be fixed annually in the budget.

Sec. 279. Hereafter no work of art shall become the property of the city of Los Angeles, by purchase, gift or otherwise, unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the municipal art commission by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, or other public place or ground belonging to or under the control of the city of Los Angeles, excepting parks. The said commission may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such commission. The term "work of art" as used in this article shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the commission. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under the control of the city shall be adopted by any board, commission, or officer having charge, superintendence or control of the design or construction thereof, unless such design shall have been first submitted to and approved by the municipal art commission by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway or other public place belonging to or under the control of the city of Los Angeles, other than parks, unless the design and location thereof shall have first been approved by the municipal art commission as hereinbefore provided.

Sec. 280. If the said commission shall fail to decide upon any matter submitted to it within fifteen days after such submission, its decision shall be deemed unnecessary; *provided, however*, that the time for such decision may be extended by the council by resolution.

In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the said commission shall within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said commission shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 281. There may be expended for art productions, to be selected by said art commission and placed in public buildings, grounds or parks of the city such amount as the council may determine, and such amount may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass.

Sec. 282. The municipal art commission shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

CHARTER AMENDMENT NUMBER SIX.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS AND THE SALE OF PROPERTY.

Sec. 207. Every contract involving an expenditure of more than five hundred dollars shall, except in cases of urgent necessity, as provided in Section 207a of this charter, be made in writing, the draft whereof shall be approved by the body, board, commission or officer authorized to make the same, and signed on behalf of the city by the mayor, or some other person authorized thereto by resolution of the council in the case of a contract authorized by the council, or, in the case of other contracts, by the president or two members of the board, or commission, or the officer, as the case may be, authorized to make the same; *provided, however*, that the approval by the city attorney of any such contract as to form, as required by Section 49 of this charter, shall be indorsed thereon before the council, or such board, commission or officer, shall have power to approve the same; *and provided, further*, that every contract involving the expenditure of more than one thousand dollars shall be first authorized by a two-thirds vote of the council, except contracts made by the board of library directors, and contracts requiring payment from funds derived from the sale of water, or electric power, or bonds of the city.

Sec. 207a. The city of Los Angeles shall not be and is not bound by any contract, involving any expenditure of more than five hundred dollars, unless the council, board, commission or officer, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful perform-

ance of the contract, and thereafter shall have for said amount, or the lesser regular, responsible bidder furnishing security for the performance satisfaction to the council, or such board, commission or officer, as the case may be. The right to reject any and all proposals shall in every case be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank to the city of Los Angeles, payable to the order of the city of Los Angeles, for an amount not less than ten per centum of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so certain, as to guarantee that the money will enter into the proposed contract. If the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent in compliance in the performance of any former contract with the city shall be rejected. If the successful bidder fails within ten days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, specified in the ordinance and by a responsible surety company, or to enter into some sufficient security required by the council, board, commission or officer, as the case may be, then the certified check accompanying his bid shall be forfeited for payment and payment, and the amount thereof paid into the general funds of the city. Nothing herein shall be construed as a violation of the provisions of this section requiring the satisfaction of bonds, bidding amounts and the letting of contracts to the lowest bidder, except that bonds or securities previously authorized by a two-thirds vote of the council, for the purchase of professional, scientific, technical or expert services, or for the obtaining of technical counsel by letters patent granted by the government of the United States, or for the leasing or purchase of real property; and provided, further, that when any person, association, work or improvement within the control of the board or public works shall be deemed of urgent necessity by the board or any other authority by ordinance adopted by a vote of two-thirds of the members of the board, council and authorized by the mayor, make a contract, or letting or agreement, in behalf of the city, for the performance or finishing of the same, involving the necessity of payment for said purpose, without advertising for or letting bids. *THE SENATE* 148 of the charter, and the same is hereby amended.

Sec. 207*b*. Every proposal to perform a contract with the city or with any board, commission or officer of the city, shall have thereon, in addition thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, or made in the interest or in behalf of any person or persons, natural or artificial, and that the bidder has not directly or indirectly received or secured any other benefit or gain in a sham bid, or any other person, firm or corporation to induce him to bidding, and that the bidder has not in any manner sought to be awarded the contract by himself or in advantage over any other bidder. Any bid made without such affidavit, or in violation thereof shall not be considered. If it can be shown it shall be found that the person, firm or corporation to whom a contract has been awarded has, in violation of any bid or bids, colluded with any other party or parties, then the contract so awarded shall be voidable at the option of the city council, or the board, commission or officer making the same on behalf of the city, as the case may be, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, board, commission or officer, as the case may be, may advertise for a new contract.

Sec. 207*c*. Each officer, commission or board shall have authority to extend and make contracts involving the expenditure of not more than one month of the fund appropriated to such officer, commission or board during each month of the fiscal year, and no more, unless specially authorized so to do by the council, provided that if during any month less than one-twelfth of the fund so appropriated shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such authorization.

Sec. 207*d*. All purchases of materials or supplies involving an expenditure of five hundred dollars or less, and required for or by any body, board, commission or officer of the city, excepting purchases made by the board of water, streets, and purchases requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made from the lowest responsible bidder, in the manner that may, from time to time, be prescribed by ordinance, through the purchasing agent of the city, who and she shall have been appointed, and upon requisition delivered to him and signed by the president or president of such body, board or commission, or by such officer. Other contracts, involving an expenditure of five hundred dollars or less, made by any body, board, commission or officer of the city, excepting contracts made by the board of water, streets, and contracts requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made in the manner that may, from time to time, be prescribed by ordinance, provided, however, that, in the case of urgent necessity, when the procedure prescribed by this section cannot be followed without loss to the city, any body, board, commission or officer of the city mentioned in Section 207*c* of this charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed twenty-five dollars, provided, that such emergency purchases shall not exceed one hundred dollars for any such body, board, commission or officer, during any one month.

SALE OF PROPERTY.

Sec. 207c. Any real property owned by the city of Los Angeles may, subject to the limitations and exceptions elsewhere prescribed in this charter, be sold, either in whole, or in part, in accordance with the provisions of this section. Whenever the public interest or convenience may require, the council is hereby authorized to order the sale, and to sell any such real property, either at public auction or to the highest bidder for cash after advertising for bids; *provided, however*, that the council shall prescribe the minimum price for which the same will be sold, and if the price offered at such auction, or the amount bid by the highest bidder at such sale, shall be less than such minimum price, such property shall not be sold.

Before ordering the sale of any such real property the council shall, by a two-thirds vote of all its members, pass an ordinance declaring its intention to sell the same, describing the property proposed to be sold in such manner as to identify the same, specifying the minimum price for which it will be sold, and stating whether such sale shall be at public auction or to the highest responsible bidder after advertising for bids. Such ordinance shall be subject to the provisions of this charter providing for a referendary vote.

Unless a petition demanding the submission of such ordinance to a vote of the qualified electors of the city be filed with the city clerk within thirty days after the publication thereof, the council may, in its discretion, after the expiration of such thirty days, cause notice of the sale of the property described in such ordinance to be published for ten days in one or more daily newspapers printed and published in said city.

In the case of any sale of any real property after advertisement for bids, all such bids shall be sealed and filed in the office of the city clerk on or before a time to be specified in the notice of sale. The city clerk shall present all bids received by him to the council at its next regular meeting after the expiration of the time for the submission of bids. The council shall thereupon, in public session, open, examine and declare all bids received. At the time of opening the bids, any responsible person may bid for such property a sum exceeding the highest bid by not less than five per centum, and such bid so made may be raised by any other person or persons until the property shall either be sold or withdrawn from sale. No bid shall be considered unless accompanied by a cash deposit or check certified by a responsible bank in the city of Los Angeles in an amount not less than ten per centum of the amount of such bid.

The council may in its discretion in all cases where property is offered for sale reject any or all bids, or withdraw such property from sale at any time, should it deem such action to be for the public interest.

Any real property proposed to be sold that is under the control of any board or commission authorized by this charter or by law to acquire, hold or control real property shall not be sold except with the approval of a majority of such board or commission, and the proceeds of any such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.

Sec. 207d. Any personal property belonging to the city, that is no longer required for the use of the city, may be sold under such terms and conditions, and under such procedure as the council may by ordinance prescribe, *provided, however*, that no such personal property that is under the control of any department of the city government shall be sold except at the request or with the approval of the board, commission or officer having the management of such department. The proceeds of the sale of personal property shall be paid into the city treasury and placed in the fund of such department.

CHARTER AMENDMENT NUMBER SEVEN.

That Section 28 of the charter be amended to read as follows:

Sec. 28. It shall provide for the surveys of streets and blocks of land within the limits of the city, and may, by ordinance declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated.

It may, by ordinance, provide for making and establishing surveys and plans of streets, lanes, alleys, boulevards, courts and other public places proposed to be laid out, opened, widened, straightened or extended by the city within its limits, prescribe the method of procedure therefor, and require owners of property to conform to such surveys and plans in platting or subdividing their lands and in making improvements thereon.

CHARTER AMENDMENT NUMBER EIGHT.

That Article XXI of the charter be amended to read as follows:

ARTICLE XXI.

TAXATION, FINANCE, CLAIMS AND DEMANDS.

Sec. 208. The fiscal year of the city shall commence on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Sec. 209. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and every board or commission having the

management and control of any department of the government of the city, to prepare and file with the city auditor, on or before the first day of April of each year, a detailed estimate in writing of the amount of expenditures required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

Sec. 210. On or before the first day of May of each year, the city auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required for the interest and sinking funds for all outstanding bonded indebtedness of the city, and the requirements of all of the offices and departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department, also an estimate of the amount of income from taxes, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount to be raised by taxation.

Sec. 211. The council shall meet not later than, prior to fixing the tax levy, and by resolution adopted by a majority of all its members, shall make a budget of the estimated amounts supplied for the interest and sinking funds for the bonded indebtedness of the city, and to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof assigned to each department, officer, board or fund as the council may determine. The resolution adopting the budget shall be presented to the mayor for his approval and signature. Any part of said budget may, within ten days after the adoption thereof, be amended or wholly or in part by the mayor, and it shall require the vote of two-thirds of the council to overcome such veto. In making such budget, the council may provide for a general expense fund for expenses not otherwise provided for. After the budget is made in accordance herewith it shall be signed by the president of the council, and the city clerk, and the several sums thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several bureaus, departments and offices therein specified. The budget shall be filed in the office of the city auditor. The council must never to be raised by tax levy exceeding the limit, the maximum so appropriated, less the amount to be received by the city from taxes, licenses and other sources of revenue.

Sec. 212. When the assessment list is made and not transmitted to the council, as provided by the ordinance of the city, the council shall, at the time and in the manner in such ordinance provided, fill and put on a basis of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles County, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given to publication of such notice and to such extent as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said list, both as to real and personal property, assessed, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath, such notice to be regulated in all respects by ordinance.

After such list has been equalized it shall be referred to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for such fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the person against whom such assessment is made.

Every such assessment and the lien thereon shall have the force and effect of an execution duly levied upon the property owned by the person assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owner is paid, or the property sold for the payment thereof.

The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereon, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county, provided, however, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be

of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collection of state and county taxes in said county.

Sec. 213. The council must, not later than the last Tuesday in August of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 214. The income and revenues paid into the treasury shall be apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the general expense fund and the reserve fund; *provided, however*, that every fee, commission, percentage, allowance or compensation authorized by law to be charged, received or collected by any officer of the city for any service shall be paid into the city treasury, to the credit of such fund, and be applied to such purposes as the council shall by ordinance determine.

Sec. 215. At the close of each fiscal year the council shall direct the auditor and treasurer to transfer all surplus moneys remaining in each fund, over and above the amount of outstanding demands and liabilities payable out of such fund, to a fund to be called the "reserve fund," except such surplus moneys as are in the several interest and sinking funds, bond funds, trust funds, the library fund, the water revenue fund, the power revenue fund, and the harbor revenue fund, but the council may by ordinance direct said surplus moneys in the power revenue fund or the harbor revenue fund transferred to such reserve fund.

Sec. 216. All claims and demands against the city of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor.

Sec. 217. Every claim and demand against the city of Los Angeles, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented thereby; if such approval be made by a board or commission the same shall be evidenced by a vote of two thirds of the members thereof, taken with the ayes and noes and spread upon the minutes, and the action of such board or commission, and the date thereof, must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

Sec. 218. The salaries of all officers and employees of the city shall be paid monthly; *provided, however*, that laborers and other employees whose wages are fixed by the day, may be paid weekly, if the council, by ordinance, shall so provide. At the expiration of each month the board, commission or officer having the management or control of any department or office shall cause a pay roll to be made out of all persons employed in such department or office during the preceding month, stating the amount of the compensation of such persons in detail, which said pay roll shall be certified as herein provided in the case of demands against the city. In the case of laborers and other persons whose wages are fixed by the day, and payable weekly, as above provided, such pay roll shall be so made out and certified at the end of each week for the preceding week. Every such pay roll shall be filed with the city auditor and shall be accompanied by proper demands or pay checks for the salary or wages of each person specified therein; *provided*, that nothing in this article contained shall be deemed to affect or limit the provisions of Section 151 of this charter.

Sec. 219. All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse upon it the word "approved," with the name of the fund out of which it is payable, and sign his name thereto; *provided*, that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the finance committee of the council.

Sec. 220. Any demand transmitted to the finance committee of the council by the city auditor shall be considered by such committee, together with the objections of the city auditor thereto. Such demand shall be reported by the finance committee to the council with its recommendations, and the council shall consider the same and the action of the auditor and finance committee thereon.

The council may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the

president of the council and city clerk, and the demand shall thereupon be returned to the city auditor. If the action of the council is to approve the demands of the city auditor to said demand, he shall make a record of the demand as in the case of demands approved by him; if the action of the council be to sustain the objections of the city auditor thereto, he shall file said demand.

Sec. 221. All demands against the fund for the support or maintenance of the office of the city auditor shall, before payment, be examined by the mayor, who shall have the same powers as to the approval or disapproval thereof as are conferred by the city auditor in the case of other demands. The power of the mayor with respect thereto shall be subject to review by the council, on remonstrance provided.

Sec. 222. No demand can be approved by any board or officer or auditor, unless it specify each several item with the date and amount thereof.

Sec. 222a. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be lawfully collected by one of the officers or, nor unless the demand which is paid be duly audited as in this chapter provided. The term "audited," as used in this chapter with reference to demands from the treasury, is to be construed to mean that said demands have been examined, passed upon and approved by every officer, board, commission or board of officers in this charter, or that the objections of the city auditor have not been sustained, as being provided, and this must appear upon the face of the paper representing the demand, or else it is not audited; provided that the approval or rejection in whole or in part of a demand by the committee on finance of the council is a sufficient audit in the treasury, and the rejection by said committee of a demand in whole or in part does not in itself prevent its being duly audited.

Sec. 222b. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner violating thereto without first depositing the amount of such indebtedness with the proper or other person having the lawful custody of or disbursement of public funds, unless such amount has been duly accounted, passed, approved and allowed, as provided by law in this charter, and in favor of any officer who shall have neglected to make an official report on his expense in writing in the manner and at the time required by law in this charter, or by the ordinances or regulations made in pursuance thereof, and in any other case that have neglected or refused to comply with any of the provisions of any statute or ordinance of the city, or any act or law regulating the duties of such officer, on being required in writing to comply therewith by the auditor or the president of the council or the city auditor, not in favor of any officer who has time to spend have absented himself, without having cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the city auditor shall examine any officer receiving a salary from the treasury or from persons or such absence.

Sec. 222c. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, stating the amount, date, amount, and name of the party thereon, when money is given, and any of what funds payable, and it shall be a misdemeanor for any person to refuse to deliver any demand with his approved thereon or otherwise, until this chapter has been complied with.

Sec. 222d. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and receipt, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number when presented, date, amount, name of the payee, and on what account amount and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered," dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

Sec. 222e. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer on bonds of the city of Los Angeles, and the interest coupons thereon, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Sec. 222f. All public moneys collected by any officer or commission of the city shall be paid into the city treasury, without any deduction or amount of any other for fees, commissions or any other dues, or interest, and the commission of any officer, employee or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited, and paid.

Sec. 222g. No suit shall be brought on any claim for money or damages against the city of Los Angeles, its board of education, board of directors of the Los Angeles public library, board of public works, or board of public service commissioners, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand that has been in whole approved and audited as provided herein, provided

that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the city council, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

CHARTER AMENDMENT NUMBER NINE.

That Section 261 of the charter be amended to read as follows:

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned or held by, or in the possession or under the control of the city of Los Angeles, or any borough therein, unless thereunto authorized by two thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted: *provided*, that whenever the city of Los Angeles shall have acquired the ownership, or control and possession, of more than ten thousand feet (linear measurement) of water frontage, and the co-terminous and adjacent tide and submerged lands upon the water front, as fixed by the government harbor lines upon the navigable waters of Los Angeles harbor, formerly known as the outer or inner harbor of San Pedro, not including water frontage upon any island, or breakwater, nor water frontage held by any borough, nor any water frontage created by the construction of channels by any person, firm or corporation other than the United States, the city of Los Angeles may grant, by ordinance, to any person, firm or corporation wharf franchises and warehouse and other privileges and permits to use the water frontage in excess of said ten thousand feet, so owned or controlled by the city, for periods not exceeding fifteen years on alternate frontages upon said harbor, not exceeding two thousand feet in a body, with the adjacent and coterminous tide or submerged lands necessary for such purposes as determined by ordinance. Said ten thousand feet, and each alternate two thousand feet of such excess water frontage upon said harbor, together with the adjacent and coterminous tide and submerged lands shall be reserved for public use, as aforesaid: *provided, however*, that whenever it shall be determined by the city of Los Angeles, by ordinance, or by other proper legal authority, that any part of such tide or submerged lands not nearer than three hundred feet to navigable waters are no longer required for public use, by reason of their remoteness from the harbor lines, as now or as hereafter established, such tide or submerged lands may be subdivided into lots and blocks, or otherwise, with streets or other public ways leading to the water front, and with such other streets or other public ways as may be established therein and may be leased by the board of harbor commissioners, subject to approval by ordinance, if there be such board, otherwise by the council, and in any event subject to the referendary provisions of this charter, for periods not exceeding thirty years; but in all cases where either franchises or privileges are granted or permits issued, or such tide or submerged lands leased, the same shall be granted, issued or leased, as the case may be, to the highest bidder, and after publication of notice for not less than ten days. In case of any grant of franchise or privilege, or the issuance of any permit under this section, the same shall, at all times be granted or issued upon the condition, whether expressed therein or not, that the wharves, docks, warehouses or other works or structures provided for therein shall, if not already constructed, be completed within three years from the date of such franchise, privilege or permit, and all such franchises, privileges or permits, shall provide for the payment to the city of either an annual rental or a percentage of the gross annual receipts, received from the use, operation or possession of the franchise, privilege or permit, or both such rental and percentage. Every such franchise, privilege or permit shall contain a condition that in case the same, or the property, or any part thereof embraced therein, shall be transferred or subleased, or the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control, under franchises, privileges or permits, granted or issued by the city of Los Angeles, more than two thousand feet of said water frontage, upon any part of said Los Angeles harbor, then such grant, privilege or permit, and all rights thereunder, shall thereupon and thereby be absolutely terminated. Every franchise, privilege or permit granted or issued hereunder, shall be subject at all times to all rights of way over tide or submerged lands embraced therein for such public sewers, pipe lines, conduits, electric lines, highways, streets, street or other railroads, as may from time to time be determined by the council. Whenever application shall be made for the lease of any part of such tide or submerged lands, that may be no longer required for public use, as aforesaid, an open bid shall accompany the same, and notice thereof shall be given by publication for not less than ten days in a daily newspaper printed, published and circulated in said city. At any time within thirty days after the last publication of such notice, any person, firm or corporation may make an open bid for the lease of such property. Upon the expiration of such thirty days, the board of harbor commissioners, if there be such board, or if not, then the council, in open session, may lease such land to the highest bidder therefore or then bidding, or refuse so to do. Every lease of tide or submerged lands no longer required for public use, shall provide for readjustment of rental every

ten years during the period of such lease. The procedure for such readjustment shall be specified in such lease, but in no case shall such readjustment decrease the amount of rental.

In any case, where the city of Los Angeles, or its predecessors in interest or authority, shall have granted or issued any franchise or license or any franchise purporting to be such, to any person, firm or corporation, the latter, from railroads, and submerged lands covered thereby, shall not be deemed to be entitled to grants for such purposes by the city of Los Angeles under this section until such franchise or permit shall have been renewed or otherwise purchased, and until the city of Los Angeles shall have regained possession of such property.

CHARTER AMENDMENT NUMBER TEN

That a new subdivision be added to Section 2 of the charter, reading to the powers of the city, to be known as Subdivision 43, and to read as follows:

(43) To grant franchises, for terms not exceeding large terms for the construction and operation of subterranean railway, tunnels, pipes, or other railways through subways, and for the construction and operation of elevated railways, interurban street or other railways along or across public streets, highways, and other public places, provided that any such grant shall first be considered by a vote of a majority of the qualified electors of the city voting at an election at which such question shall be lawfully submitted; and provided further, that no franchise along any public street or highway for the construction or operation of any elevated railway shall be submitted to the power of the people unless there shall first be filed with the council the written consent of the electors of the electors of a majority of the franchise, where that public property, along such street or highway, thereby franchise for an subterranean or elevated railway, or other railway shall be upon condition whether expressed therein or not, that at any time after twenty-one years from the date of the grant issued the city may take over the tangible property and plant of such railway, pipe and along the line covered by such franchise, including any house and effects of any kind, upon the same conditions as are in this article provided with reference to other franchises; and all such franchises shall contain all other terms, conditions and provisions required to be set out in surface street and interurban railway franchises as far as practicable.

The council may, upon its own motion, submit an initiative to the vote of the qualified electors, authorizing the council to sell any such franchise at any general or general election. And it shall be the duty of the council to submit such an ordinance at the next general election, or the next special election, that may be called for any other purpose, whenever a petition, signed by the electors, shall be submitted shall be filed with the clerk and signed by not less than five per cent of the total number of qualified electors voting at the last general city election at which a mayor was elected.

CHARTER AMENDMENT NUMBER ELEVEN

That a new section be added to the charter, immediately after Section 30 hereof, to be known as Section 30a, and to read as follows:

Sec. 30a. No building shall be erected within said city of a height exceeding one hundred and fifty feet, except public buildings and monuments, and castles, piers, domes and towers of religious worship when authorized by ordinance passed by a two-thirds vote of the council, and except other structures or buildings, or parts of buildings, not designed for business, manufacturing or commercial purposes, when authorized by ordinance adopted by a vote of a majority of the qualified electors of the city voting thereon at an election at which such ordinance may be submitted.

CHARTER AMENDMENT NUMBER TWELVE

That article XXII of the charter be amended by adding a new section, following immediately following Section 228, to be known as Section 228a, and to read as follows:

Sec. 228a. Whenever, under the terms of this charter or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Los Angeles, and the charter of such incorporated city or town shall contain any provision or provisions restricting, prohibiting or regulating the sale, distribution or giving away of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Los Angeles, such provision or provisions shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take effect as a subdivision of the charter of the city of Los Angeles, but only for the purposes of this section specified, and shall operate and be of full force and effect in the governing of such city or town so consolidated with or annexed to the city of Los Angeles, and shall govern as to restricting, prohibiting or regulating the sale, distribution, or giving away of spirituous, malt, vinous or alcoholic liquors within such territory. No such revision or provisions shall be altered or repealed except by the vote of a majority of the electors within such territory, voting thereon at any election at which such question shall have been submitted to the electors within such territory.

CHARTER AMENDMENT NUMBER THIRTEEN.

That two new subdivisions be added to Section 2 of the charter, relating to the powers of the city, to be known as Subdivisions 44 and 45, and to read as follows:

(44) To create and maintain, and provide for the disbursement of, a fireman's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the fire department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of their duties, and for the payment of pensions to the widows and children of members of such fire department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

(45) To create and maintain, and provide for the disbursement of, a policeman's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the police department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such police department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

CHARTER AMENDMENT NUMBER FOURTEEN.

That a new subdivision be added to Section 2 of the charter, relating to the powers of the city, to be known as subdivision 46, and to read as follows:

(46) To grant franchises or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, tunnel, subway or other public place, or upon the water front or in or upon navigable waters within the city, to prescribe the terms and conditions of any such grant, and to prescribe by ordinance the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this article.

CHARTER AMENDMENT NUMBER FIFTEEN.

That a new subdivision be added to Section 2 of the charter, relating to the powers of the city, to be known as subdivision 47, and to read as follows:

(47) To publish a newspaper, and to sell and distribute the same.

That said fourteen proposed amendments were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal", said publication ending on the 23rd day of January, 1911.

That hereafter the city council of said city did, by ordinance known as Ordinance No. 21,755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which said last mentioned date was at least forty days after the publication of said proposed amendments, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal", and did provide in said ordinance for the submission of said fourteen proposed amendments to said charter to the qualified electors of said city for their ratification at said special municipal election, which ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal", a daily newspaper printed and published in said city.

That at said special election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments to said charter.

That the city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Los Angeles this 7th day of March, 1911.

[SEAL.]

GEO. ALEXANDER,
Mayor of the City of Los Angeles.

LORIN A. HANDLEY,
City Clerk of the City of Los Angeles.

AND, WHEREAS, The said fourteen proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this

resolution and concurring herein). That the said fourteen proposed amendments to the said charter of the city of Los Angeles, hereinafter set forth, as amended and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole, and each and every one of the said charter of the city of Los Angeles.

Senate concurrent resolution read.

The question being on the adoption of the recurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

[illegible]

Senate Concurrent Resolution No. 19 ordered engrossed and transmitted to the Assembly.

QUESTIONS OF PERSONAL IDENTITY

Senator Burnett arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT. If I had any power, I would have wanted to appoint the original member of the Committee of Plans, Marshall Dill as a member of the State Highway Commission.¹ Now I cannot.

MOTION

Senator Wright moved that the Senate take a recess until eight o'clock P. M.

Mortgage carried

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Senator Burnett moved that the consideration of Assembly Bill No. 278—An Act to amend Sections 1181, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1204 of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200, and 1303a of said Code, all relating to the fees of sheriffs and others—be made a special order for Thursday, March 16, 1911, at eight o'clock p. m.

Motion carried.

15741-1-1

At six o'clock and ten minutes p. m., on motion of Senator Ball, the President pro tem declared the Senate at recess until eight o'clock p. m.

RECOVERED

At eight o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—OUT OF ORDER

On motion of Senator Cuffen, the second-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of county officers of the forty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

During second reading of the bill, the following amendments were submitted by committee:

In lines 3 and 4, Section 1, page 1, of the printed bill, strike out the following: "and it is made their official duty."

Amendment adopted.

Also:

In line 10, Section 2, page 2, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Also:

In line 11, Section 2, page 2, of the printed bill, insert after the word "company", the words "or some other officer thereof".

Amendment adopted.

Also:

In line 16, Section 2, page 2, of the printed bill, after the word "all" where it last occurs, insert the word "other".

Amendment adopted.

Also:

At the end of Section 2, page 2, of the printed bill, strike out the period, and insert a semicolon and add the following: "; provided, that in cities having a population of ten thousand and over in lieu of the itemized statements required by this section, a statement may be furnished showing the number of retail and wholesale consumers, respectively in such city and county, city or town, and the total amount paid for gas or electricity by all the retail and all the wholesale con-

sumers during the year preceding the date of such contract and has caused all machine derived fuel oil, steam and a corresponding equipment of appliances paid for supplying gas or electricity during said year.

Amendment adopted.

Also:

In Section 3, page 2 line 8, of the printed bill after the word "its" insert the word "said".

Amendment adopted.

Also:

Strike out the period at the end of Section 3, page 2, of the printed bill and insert a comma and the following: "provided that where any such corporation, company or person has been supplying the gas or electricity for a longer period than five years preceding the taking effect of this act, in lieu of the statement required by this section a certified statement with vouchers attached to all the property, belonging to said corporation, company or person, used for the purpose of supplying gas or electricity to each city and county, city or town, together with a statement of all gross annual receipts and expenditures for said five preceding years, verified as aforesaid, may be furnished.

Amendment adopted.

Also:

On page 2, of the printed bill, after Section 3, as amended, add a new section to be numbered and read as follows:

"Sec. 4. After any corporation, company or person shall have furnished a statement mentioned in sections two and three of this Act the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city or town, may authorize and direct some convenient person or persons to examine the books of such corporation, company or person for the purpose of verifying the facts set forth in the statements rendered. The person authorized so to examine the books of supervisors, town council, board of aldermen or other legislative body, shall be given free access to all books of said corporation, company or person in which are contained any matters relative to the furnishing of gas or electricity to each city and county, city or town or the inhabitants thereof.

Amendment adopted.

Also:

Number all the sections following consecutively.

Amendment adopted.

Also:

In lines 4 and 5, of Section 4, pages 2 and 3, of the printed bill, strike out the words "within thirty days after having been required or requested to furnish the same".

Amendment adopted.

Also:

On page 3, Section 4, of the printed bill, after the word "Act" in line 6, insert the words, "or who shall deny or refuse the person authorized by said board of supervisors, town council, board of aldermen or other legislative body free access to the books of such corporation, company or person as required in Section 4 of this Act, or who shall collect or attempt to collect any sum or sums in excess of the rates fixed by said board of supervisors, town council, board of aldermen or other legislative body."

Amendment adopted.

Also:

In line 2, Section 5, page 3, of the printed bill, strike out the words "equal and".

Amendment adopted.

Also:

On page 3, Section 6, line 8, of the printed bill, strike out the word "shall".

Amendment adopted.

Also:

In line 1, Section 7, page 3, of the printed bill, after the figures "1911", insert the following: "Where the rates have not already been fixed."

Amendment adopted.

Also:

On page 3, Section 7, line 4, of the printed bill, strike out the words, "detailed statement provided for in Section 2", and insert in lieu thereof the following: "statements provided for in Sections 2 and 3".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading

Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 6287, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County,'" approved March 25, 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the members of the Assembly for the thirty-ninth session of the Legislature of the State of California during the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

During second reading of the bill, the following amendment was submitted by committee:

In Section 1, of the printed bill, strike out lines 4, 5, 6 and 7, and insert in lieu thereof the following: "to be used for the installation of irrigating pipe lines at the Napa State Hospital."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 81—An Act to provide for the building, equipping and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

During second reading of the bill, the following amendments were submitted by committee:

In Section 1, line 4, of the bill, strike out the words, "to be paid to the Board of Managers of the Napa State Hospital."

Amendment adopted.

Also:

Strike out lines 5, 6, 7, and 8, of Section 1, of the printed bill, and insert in lieu thereof the following: "to be used for the building, equipping and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital."

Amendment adopted.

Also:

Strike out of lines 2 and 3, Section 2, of the printed bill, the words "said Board of Managers," and insert in lieu thereof the following: "within its officers authorized by law to receive the same."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 3, Section 1, of the printed bill, the words "to be paid to"

Amendment adopted.

Also:

Strike out lines 4, 5, 6, 7, and 8, of Section 1, of the printed bill, and insert in lieu thereof the following: "to be used for the building, equipping and purchasing of machinery for a laundry building on the grounds of the Napa State Hospital."

Amendment adopted.

Also:

Strike out of line 2, Section 2, of the printed bill, the words "said Board of Managers," and insert in lieu thereof the words "within its officers authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged

by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 768—An Act providing for the erection of a grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of

officers on detail duty, National Guard, for the fifty-fourth, fifty-fifth, and sixtyth fiscal years.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1440. An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Bill read second time and ordered on the 1st third reading.

Assembly Bill No. 315, "Concurrent Resolution for — An Act to repeal Article XVIII of Chapter III of Title 1 of Part III of the Political Code, relating to the powers and duties of the Board of Examiners, and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof, providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the assessment of certain state funds; the creation and payment of debentures; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the audit of all public money; and the supervision of all public accounts and receipts; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act."

During second reading of the bill, the following amendments were submitted by opposition:

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As $\lambda \rightarrow 0$ in model A, the NVII α doublet III of Table I of Fig. III, of the A spectrum, tends to the NVII α doublet I of the same figure, and the NVII β doublet II of the A spectrum tends to the NVII β doublet I of the same figure.

660 661 662 663 664 665 666 667 668 669 670 671 672 673
 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689
 690 691 692

The results of the State of California presented in Spanish and Assembly documents are as follows:

SECTION 1. Article XVIII of Chapter III of the Act entitled "An Act to establish a Federal Code," approved March 12, 1875, is hereby amended.

Partial Code, consisting of 400 lines, seems to be known and consists of the following lines:

1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341
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AELIUS XVII

654 A State Board of Control is hereby created to consist of three members who shall be appointed by the Governor and hold office at his pleasure. The Governor shall designate the chairman of such board and shall fill vacancies occurring from any cause in the membership thereof. The members of such board shall not engage in any private business requiring their personal attention between the hours of nine o'clock A. M. and five o'clock P. M. of each day excepting holidays during their term of office. Before entering upon the discharge of his duties each member of said board shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned on the faithful discharge of his duty according to law and shall take the oath of office as prescribed by this Code for state officers. The members of such board shall be executive officers and

shall be authorized to administer oaths. The board shall appoint a secretary, three clerks, and two stenographers. Such appointees shall be civil executive officers. The board may also appoint a messenger.

655. The members of the State Board of Control shall each receive a salary of four thousand dollars per annum which shall be paid at the same time and in the same manner as the salaries of state officers are paid. The secretary shall receive a salary of twenty-four hundred dollars per annum, the clerks a salary of eighteen hundred dollars per annum each, the two stenographers fifteen hundred dollars per annum each, and the messenger nine hundred dollars per annum. The salaries of all such appointees shall be paid at the same time and in the same manner as the salaries of state officers.

656. The said board shall be in session during office hours whenever a majority of the members thereof are present at its offices in the State Capitol and may meet at other places in the State at such time as a majority of the board may determine.

657. The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.

658. The board or a majority thereof, may elect one of its members vice-chairman, and such officer shall have and exercise all the authority of the chairman in the absence of the latter. The board may also establish rules and regulations not inconsistent with law for its government. All such rules and regulations must be recorded in the minutes of the board.

659. The chairman may issue subpoenas and compel the attendance of witnesses before the board or any member thereof, in the same manner that any court in this State may; and whenever the testimony of any witness upon any matter pending before it is material, the chairman must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and he board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Each member of the board may take depositions to be used before it.

660. It shall be the duty of one or more members of the board as may be designated by the board, or as requested by the Governor, to examine and report, or cause to be examined and reported, the books of the different state prisons, reformatories, state hospitals and other institutions, commissions, bureaus and officers of the State, at least once in each year, and as often as may be deemed necessary. The officers of said prisons, reformatories, hospitals and other institutions, boards, commissions and bureaus and the several officers of the State, must permit such examination and reporting and must upon demand produce without unnecessary delay all books, contracts and papers in their respective offices, and must furnish upon demand the information touching books, papers and contracts and other matters pertaining to their respective offices.

661. It shall be the duty of one or more members of the board as may be designated by such board or as may be requested by the Governor to visit from time to time every public institution maintained in whole, or in part, by state appropriations to ascertain the conditions of the same and their wants and requirements, and also to visit public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and of the contracts therefor are being faithfully executed.

662. The board upon completion of such examination must make a report in duplicate thereon and file one with the Governor, and one in the office of such board.

663. Every claim against the State for which an appropriation has been made or for which a state fund is available, must be presented to the board for its scrutiny before being paid. The board may for cause postpone action upon a claim for not exceeding one month.

664. Any person having a claim against the State for which an appropriation has been made, may present the same to the board in the form of an account or petition and the secretary of the board must date, number, and file such claim. The board must allow or reject the same within thirty days.

The concurrence of two members of the board shall be required to approve and allow any claim against the State in whole or in part.

665. If the board approve such claim the members approving the same must over their signatures endorse thereon the following: "Approved for the sum of _____ dollars", and the secretary shall immediately transmit the same to the office of the State Controller, for his action thereon, and if such action is favorable, he shall draw his warrant for the amount so approved in favor of the claimant or his assigns; *provided*, that the Controller if he objects thereto for any reason, may return the same to the secretary of said board and said claim shall not again be presented to the Controller, except with the unanimous approval of the board.

666. If the board, or a majority thereof, disapprove any claim the same shall be filed with the records of the board with a statement showing such disapproval and the reasons therefor.

667. If no appropriation has been made, or if no fund is available for the payment of any claim against the State, the settlement of such claim shall be deferred, or if an appropriation or fund has been exhausted, such matter shall be referred to the board who shall audit the same, and if approved by it must be properly certified, with the sanction of the Governor, be transmitted to the Legislature with a brief statement of the reasons for such approval.

668. The board shall cause to be printed for distribution among all county officers and for the use of any one desiring to present a claim against the State, a set of rules governing the presentation and audit of demands against the state funds and appropriations.

669. Any person having a claim against the State, the settlement of which is not otherwise provided for by law, must present the same to the board in writing four months before the meeting of the Legislature, accompanied by a statement showing the facts constituting the claim, verified by the sworn statement of the claimant in civil actions. Before finally passing upon such claims, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action.

At the time designated the board must proceed to examine and audit such claims. It may hear evidence in support of or against a claim and with the consent of the Governor, report to the Legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may state and use any official or personal knowledge which any member thereof may have touching such claims.

670. The board must make up its report and recommendations concerning such matters as the law requires of it at least thirty days before the meeting of the Legislature. The board must give to the State Controller the day at which time he shall demand a statement showing all its recommendations and recommendations by the Legislature.

671. The board must not entertain for its second time a claim against the State once rejected by it or by the Legislature, unless such claim is presented to the board as in suits between individuals, would typically require payment in granting a new trial. Any person interested who is aggrieved by the judgment of a claim by the board, may appeal from the decision to the Legislature of the State, by filing with the board a notice thereof, and upon the receipt of such notice the board must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken, to the Legislature.

672. The Controller must not draw his warrant for any claim unless it has been approved by the State Board of Control and when drawing the Controller is directed to draw his warrant for any purpose, this direction must be construed as subject to the provisions of this section, unless the direction is accompanied by a special provision exempting it from the operation of this section.

673. Whenever the board has reason to believe that the Controller has drawn or is about to draw his warrant without authority of law for the payment of more than the State actually owes, the board must notify the Treasurer of State, not to pay the warrant so drawn or to be drawn, and thereupon the Treasurer is prohibited from paying the warrant, whether already drawn or not, until he is otherwise directed by the Legislature.

674. Claims upon the Contingent Fund of either house of the Legislature, and for official salaries, are exempted from the operation of the provisions of this article.

675. The money in the state treasury must be counted by the State Board of Control at least once every month, without giving the Treasurer any previous notice of the day or hour of counting. The board may at any counting pay any sum in bags or boxes and mark and seal the same with a seal to be retained and kept by it, and may, at any subsequent counting count each bag or box separately, and credit at the value stamped thereon the contents of such bags or boxes as part of the money counted without making a detailed count of such contents. They shall count as cash all evidence of money belonging to the State, such as deposits outside the state treasury that may be held by the Treasurer in accordance with law and shall determine for themselves whether such evidence is sufficient according to law.

After each count of money they must make and file with the Secretary of State and cause to be published in some newspaper in the city of Sacramento, an affidavit showing:

1. The amount of money or credit that ought to be in the state treasury
2. The amount and kind of money or credit actually therein.

676. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands the board must invest the same in the bonds of this State, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, or school district of this State: the investments to be made in such manner and on such terms as the board shall deem best for the fund.

All such bonds purchased by the board under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a special school fund

deposit, and the interest upon such bonds when collected shall be placed by him to the credit of the State School Fund.

677. Whenever and as often as there is in the state treasury to the credit of the Estates of Deceased Persons Fund an excess of the retention hereinafter provided for, the sum of ten thousand dollars or more, the board must invest the same in the bonds of this State, or in the bonds of the United States, or in the bonds of the city, and counties, permanent road districts, city and county, cities and towns, or school districts of this State, the investments to be made in such manner and on such terms as the board shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the sum of ten thousand dollars and whenever a definite payment against such time shall reduce the amount of cash on hand below the specific amount of ten thousand dollars, it shall be the duty of the board to sell such bonds belonging to said fund as the board in proper, at the purchase of the cash good the cash portion of ten thousand dollars.

Bonds purchased by the board under the provisions of this section must be delivered to the State Treasurer, who shall deposit them in a register of said Estates of Deceased Persons Fund, and the interest upon such bonds shall be paid into the State School Fund and apportioned to the other methods employed for the support of common schools.

678. Whenever under the provisions of law the board of supervisors, trustees, directors, commissioners, or other governing boards or bodies of any county, city or county, city or town, or school district of this State shall advertise the sale of bonds voted for any purpose, the clerk of such board, trustees, common council, or other governing body, in so far as shall be necessary, he shall, as soon as practicable, notify the State Board of Control and the State Treasurer, of the General of such sale and sale of bonds, and shall send to the Treasurer for each such bond, such bonds as are voted the amount of the principal of such bonds, the rate of interest, the date of maturity, the date of issuance and date of maturity, the rate of interest, showing when and where payable, the amount of such bonds, the property upon which such bonds are a lien and the total amount of other bonded indebtedness which is a lien upon said property.

679. At any sale of bonds by the State Treasurer the board may become bidders and purchase bonds with the funds at that disposal, and the appropriate transfer of bonds shall be made by the Controller and Treasurer on the books of their offices.

No contract of bonds shall be completed by the board until the Attorney General shall have approved the validity of the issue.

680. The board, with the consent of the Governor, shall have power to authorize the making of deficiencies in any appropriations of money made by law in cases of emergency, and shall authorize the payment of deficiencies out of any money which may be appropriated for such purpose. No deficiency shall be authorized except upon the written authority, first obtained, of a majority of the members of the board and of the Governor. Any rule or dress attempted to be enacted against the State in violation of these provisions shall be null and void, and shall not be allowed by the board of control or the Controller.

681. The board shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the State and which, in their judgment, it shall be for the best interests of the State to sell or exchange.

682. The board shall have general power or supervision over all matters concerning the financial and business policies of the State, and shall, whenever they deem it necessary or at the instance of the Governor, institute or cause the institution of such investigations and proceedings as they may deem proper to conserve the rights and interests of the State.

683. All contracts entered into by any state officer, board, commission, department, or bureau, for the purchase of supplies and materials, or other, shall before the same become effective be transmitted with all papers, estimates and recommendations concerning the same, to the State Board of Control for consideration. If a majority of such board approve the same, it shall from the date of such approval be in force and effect.

No state officer, board, commission, department, or bureau, shall purchase supplies and materials, or other, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the State Board of Control, provided, that to meet an emergency, supplies and materials of a perishable nature in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of said board of control.

684. Whenever by the provisions of this Code or any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon the "State Board of Examiners" or the "Board of Examiners" and the members thereof such duty and authority are hereby imposed and conferred upon the State Board of Control and the members thereof, the same as though the title of the State Board of Control had been specifically set forth and named therein. For the purposes of this chapter the terms "State Board of Examiners" and "Board of Examiners" respectively shall be construed to mean and refer to the "State Board of Control", and wherever in this Code or in any statute or law the term "Member of the State Board of Examiners" or "Member of the Board of Examiners" is used it shall be construed to mean and refer to a "Member of the State Board of Control".

685. Every State officer, board, commission or department is bound to give to the State Auditor, in order to enable him to make a correct report thereon, all the books, accounts, documents, papers, records, and all other papers, documents, accounts, and other things which he is bound to keep, in such manner and in such manner to the Board of Control as said board may direct.

686. There is hereby established an independent audit and ledger for the State Board of Control, to be kept by the State Auditor, and the State Auditor is hereby authorized to employ such persons as he may deem proper to assist him in the performance of his duties, and to pay them such salaries as he may deem proper.

687. The Board of Control, through the department of public accounts and the department of public works, shall have the right to examine and audit the accounts of all persons, firms, corporations, and associations, who are doing business with the State, and to require the production of all books, accounts, documents, and other papers, which may be necessary for the purpose of such examination and audit. The Board of Control shall also have the right to examine and audit the accounts of all persons, firms, corporations, and associations, who are doing business with the State, and to require the production of all books, accounts, documents, and other papers, which may be necessary for the purpose of such examination and audit.

688. While the Board of Control is in session, the department of public accounts and the department of public works, shall have the right to examine and audit the accounts of all persons, firms, corporations, and associations, who are doing business with the State, and to require the production of all books, accounts, documents, and other papers, which may be necessary for the purpose of such examination and audit.

689. The department of public accounts and the department of public works, shall have the right to examine and audit the accounts of all persons, firms, corporations, and associations, who are doing business with the State, and to require the production of all books, accounts, documents, and other papers, which may be necessary for the purpose of such examination and audit.

690. Any officer or person who shall fail to comply with the provisions of this act, or who shall fail or neglect to follow the directions of the department of public accounts or the department of public works, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or shall be imprisoned in the county jail not less than thirty days, or both.

691. The board must biennially report to the Legislature a history of its transactions and investigations.

Committee substitute adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State and empowering the boards of supervisors to levy taxes therefor

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of lines 3, 4 and 5, Section 1, of the printed bill, the words "to be paid to the Directors of the California Institution for the Deaf and the Blind at Berkeley".

Amendment adopted.

Also:

Strike out of line 5, Section 1, of the printed bill, the words "by them"

Amendment adopted.

Also:

Strike out of line 7, Section 1, of the printed bill, the words "said institution", and insert in lieu thereof the following: "the California Institution for the Deaf and the Blind".

Amendment adopted.

Also:

Strike out of line 2, Section 2, of the printed bill, the words "said Directors", and insert in lieu thereof the following: "officer or officers authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of lines 3 and 4, Section 1, of the printed bill, the words "to be paid to the Directors of the California Institution for the Deaf and the Blind at Berkeley".

Amendment adopted.

Also:

Strike out of line 5, Section 1, of the printed bill, the words "said institution", and insert in lieu thereof the following: "California Institution for the Deaf and the Blind at Berkeley".

Amendment adopted.

Also:

Strike out of lines 2 and 3, Section 2, of the proposed bill the words "and Board of Directors", and insert in lieu thereof the following: "the officers or officers authorized by law to receive the same."

Amendment adopted

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or person operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

During second reading of the bill, the following amendment was offered by Senator Larkins:

Add the following to be known as Section 5:

"Section 5. *Provided*, that the provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God, nor where the same were the result of a cause not known to the carrier or its officers or agents, or where an employee at the time said employee left a terminal, and which would not have been foreseen; *provided*, further, that the provisions of this Act shall not apply to the crews of wrecking or relief trains."

Amendment adopted

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1557—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twenty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—OUT OF ORDER.

On motion of Senator Sanford, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

On motion of Senator Campbell, Senate Bill No. 1179 was passed, to be placed at the foot of the file.

Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroads and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 2 (Committee Substitute for — An Act to amend Section 671 of the Civil Code, to restrict the ownership of real estate.

Also:

Senate Bill No. 24 (Committee Substitute for — An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens.

Also:

Senate Bill No. 1074 (Committee Substitute for — An Act to regulate the ownership or possession of lands by aliens.

Also:

Senate Bill No. 167 (An Act to amend Sections 360 and 671 of the Civil Code, relating to ownership of real property.

During second reading of Senate Bills Nos. 2, 24, 1074, and 167 the following committee substitute was submitted for the four bills:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 2, 24, 1074, AND 167.

An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens and corporations.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No alien who is not eligible to citizenship under the Constitution and laws of the United States of America, and no corporation, a majority of the capital stock of which is owned by such aliens, shall acquire title to or own land or real property in the State of California, except as hereinafter provided.

SEC. 2. This Act shall not apply to lands or real property now owned in this State by such aliens or corporations as long as they are held by the present owners.

SEC. 3. All such aliens or corporations hereafter acquiring real property in California by device, descent or by purchase where such purchase is made under any legal proceedings enforcing a debt or lien in favor of such aliens or corporations may hold the same for the period of five years and no longer from the date of acquiring such title.

SEC. 4. Any such alien or corporation hereafter holding real property in the State of California in contravention of the provisions of this Act, may nevertheless convey the fee simple title thereof to any person who is legally entitled to own real property in California and to no other person at any time before the institution of escheat proceedings, as hereinafter provided; *provided, however*, that if any such conveyance shall be made in trust or for the purpose and with the intention of evading the provisions of this Act such conveyance shall be null and void and

the rights of all persons therein shall immediately cease and determined and such real property so conveyed shall be returned and conveyed to the State of California absolutely for the benefit and use of the public school funds.

Sec. 5. It shall be the duty of the district attorney of the county wherein the real property is situated, or the Attorney General of the State of California, through the district attorney (all or highest to go, whom he shall be informed or have cause to believe that any such property in the State of California is being held contrary to the provisions of this Act, to institute suit in behalf of the State of California in the superior court of the county in which said lands are presently pending (or the escheat of the same in behalf of the State, and he shall proceed thereon as is herein provided by law for escheats of lands of property whose title and possession has an known owner; *provided*, that the service of process shall be made and service upon the holder of title be had as provided by law, and the court having jurisdiction shall then proceed to final judgment and the sale of the property as soon as is conducted under foreclosure. It shall be a good defense in any such proceedings that the title to such lands had been prior to the commencement of such proceedings conveyed in good faith by such alien or corporation to a citizen of the United States or to an alien or corporation authorized to hold real property in this State. Said court shall tax as costs such fees as shall be reasonably necessary twenty per centum of the amount, which shall be paid for such lands of such lands sold, and shall allow to the other making such sale the same fees as are allowed for the sale of lands under decree of foreclosure of mortgages, and all fees and costs shall be paid out of the proceeds by sale of such real estate. If any district attorney shall neglect or refuse to proceed by information as herein provided within thirty days after it shall be brought to his notice that any such alien or corporation is holding title to lands in this State contrary to the provisions of this Act, then any citizen may proceed by information in the name of the people of the State in the same manner as such district attorney might have proceeded under the provisions of this section, and he and his attorney may be allowed such reasonable fees for their services, to be taxed as costs, as the court may direct and according to the aggregate twenty per centum of the amount which shall be paid for such lands at the sale thereof.

Sec. 6. In case the lands at the time of escheat proceedings are about to be commenced are owned by a minor or minors or by a person or persons of dissipated mind the process herein provided shall be served as provided by law upon the guardian of the minor or minors or person or persons of dissipated mind, and if there be no such guardian the district attorney or the Attorney General of the State shall make application in the name of the people of the State to the court having jurisdiction and procure the appointment of a guardian *ad litem* to represent such minor or minors or person or persons of unsound mind in such proceedings, and such guardian or guardians *ad litem* shall appear and defend the action.

Sec. 7. If it shall be determined upon the trial of any such proceedings that lands are held contrary to the provisions of this Act, the court trying such case shall render judgment condemning such lands and ordering the same to be sold under the order of court as in cases of sale under foreclosure proceedings; the proceeds of such sale after deducting the costs of the proceedings shall be paid to the clerk of the court rendering the judgment, where the same shall remain for one year from the date of such payment, subject to the order of the alien or corporation owning such lands, the heirs or legal representatives; and if not claimed within the period of one year such clerk shall pay the same into the treasury of the State for the benefit of the public school funds of the State; *provided*, that when any claim shall have been paid to the State Treasurer as herein provided the alien or his heirs may procure the same to be returned by applying for and procuring an order from the court condemning the property showing that such judgment condemning such property was procured in fraud or mistake, or that there was material irregularity in the proceedings; this application, however, must be made within two years from the date such moneys were turned over to the State treasury; *provided, further*, that in no event shall the State be liable or called upon to refund any further sum than the actual cash transmitted and delivered to such treasury.

Committee substitute adopted.

Committee substitute read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read second time, ordered engrossed, and on file for third reading.

THIRD READING OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Welch, the third-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building and stables at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Gates, Holohan, Hurd, Larkins, Lewis, Martinelli, Roscherry, Rush, Sanford, Shanahan, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1027 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Roscherry, Stenson, Thompson, Walker, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Bills, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 2, line 5, strike out the period after the word *same*, and insert in lieu thereof the following: "provided, however, such payment shall not be drawn or paid prior to the first day of June, to the year A. D. nineteen hundred and twelve."

Amendment adopted

Bill read second time, ordered to print, engrossment, and third reading

SENATOR TYRRELL IN THE CHAIR

At eight o'clock and forty-five minutes P. M., Senator Tyrrell, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 278, the same was taken up for consideration.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California, and to repeal Sections 1183a, 1200, and 1309a of said Code, all relating to liens of mechanics and others.

Read third time

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Stetson moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

On page 2, line 40, after the word "shall", insert the word "and".

Also, On page 2, line 40, after the word "or", strike out the word "or", and insert in lieu thereof the word "any".

Also, On page 2, line 40, after the comma following the word "affirmative", insert the words "other than the contractor".

Also, On page 2, line 42, after the word "owner", insert the following: "except as hereinafter provided".

Also, On page 2, line 41, strike out the word "The", and brackets enclosing same, and insert in lieu thereof the word "any".

Also, On page 3, beginning with the bracket on line 51 thereof, strike out down to and including the period after the word "thereunder" on line 59, and in lieu thereof insert the following: "and of which such contract or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract or modification thereof, in the office of the county recorder of the county where the property is situated before the commencement of the work shall be sufficient in the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the

contractor and the whole amount found to be due to the claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section."

Also: On page 4, line 25, strike out the word "are", and insert in lieu thereof the word "is".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 278, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT Committee.

Also:

Amendment proposed by Senator Caminetti:

On page 12, line 46, of the printed bill, after the word "employed", insert the following: "*provided*, that before commencing work the contractor must give the owner, or his agent, a statement in writing, under oath, of the names of all sub-contractors and materialmen and a statement of the amount of their respective contracts, and must do likewise after commencing work as new sub-contractors and materialmen become interested in the original contract as sub-contractors or material men: *and provided*, further, that sub-contractors must furnish the owner or his agent, a statement, under oath, of the persons furnishing them materials. And any contractor or sub-contractor who does not furnish such statements, shall forfeit his right to a lien on the property described in the contract."

MOTION.

Senator Wright moved that Assembly Bill No. 278, the report of the special committee of one, and the amendment offered by Senator Caminetti, be referred to a special committee of five Senators, and that said committee be requested to report to the Senate on March 17, 1911, at two o'clock and thirty minutes P. M.

Motion duly seconded.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

The acting President announced the appointment of Senators Stetson, Burnett, Wright, Gates, and Caminetti, as a special committee, to whom was referred Assembly Bill No. 278, the report of special committee, and the amendment offered by Senator Caminetti.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At nine o'clock and fifty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; repealing Sections 425 and 426 of the Political Code, relating to the appointees of

the Board of Capital Commissioners, and reporting all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back without recommendation.

WOLFE, Chairman.

Assembly Bill No. 1183 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 915—An Act to amend Section 1231 of the Political Code of the State of California, relating to compensation of all kinds of members of the first class, their clerks, deputies, and assessors, have had the same under consideration, and respectfully report the same back and recommend that the committee substitute be adopted.

HEWITT, Chairman.

Senate Bill No. 915 ordered on file for second reading.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENROLLMENT AND ENJOINMENT

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Enrollment and Enforcement have examined Senate Bill No. 902—An Act to add a new section to the Political Code, to be known and numbered as Section 4150a, providing for the process and claims of district attorneys in actions for divorce or attachment of marriage and in enforcing the appointment of additional deputies by district attorneys as provided in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes, and providing for their compensation; and report that the same has been carefully considered.

CASSIDY, Chairman.

Senate Bill No. 902 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)

On motion of Senator Welch, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Also: Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Rush against the State of California.

Also: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and thirty-six one-hundredths dollars to pay the claim of F. P. Sawyer against the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 916, 254, and 778 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith, providing for exemption of

property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." Also repealing an Act approved March 23, 1907, entitled "An Act to amend Section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,'" approved March 21st, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof. Also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,'" approved March 21, 1905," relating to the powers and duties and salaries of the State Building and Loan Commissioners—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 960?"

On page 4, Section 3, line 3, of the printed bill, after the word "of" strike out the word "eighteen", and insert in lieu thereof the word "twenty-four".

Also: On page 4, Section 3, line 3, of the printed bill, after the word "annum", insert the following: "such salaries shall be in full for all services rendered, and neither the commissioner nor the secretary shall receive or accept any fees from any other source for services performed in their official capacity".

Also: On page 4, Section 3, line 5, of the printed bill, after the word "secretary" insert the following: "incurred while traveling in their line of duties".

Also: On page 5, of the printed bill, strike out all of Section 4, and insert in lieu thereof the following:

"Sec. 4. Before entering upon their duties, the commissioner and the secretary shall each execute an official bond in the penal sum of five thousand dollars, each of

which bonds must be guaranteed by a duly authorized society or bonding company. Any bond executed under this section must be approved by the Governor, and filed and recorded in the office of the Secretary of State, and such commissioner and secretary must take the oath of office as prescribed by the Political Code for State officers in general."

Also: On page 5, Section 6, line 4, of the printed bill, after the word "person" add the words "or the secretary."

Also: On page 10, Section 12, line 5, of the printed bill, after the word "transacting", strike out the word "them", and insert in lieu thereof the word "one."

Also: On page 10, Section 12, line 6, of the printed bill, after the word "he", strike out the word "they", and insert in lieu thereof the word "he."

Also: On page 14, Section 19, line 19, of the printed bill, strike out the word "commissioner" at the beginning of the line, and insert in lieu thereof the word "commissioners."

Also: On page 14, Section 19, line 19, of the printed bill, after the word "describing", strike out the word "his", and insert in lieu thereof the word "their."

Also: On page 15, Section 19, line 18, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners."

Also: On page 15, Section 19, line 26, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners."

Also: On page 15, Section 19, line 28, of the printed bill, strike out the word "commissioner" at the beginning of the line, and insert in lieu thereof the word "commissioners."

Also: On page 15, Section 19, line 32, of the printed bill, strike out the word "commissioner" at the end of the line, and insert in lieu thereof the word "commissioners."

Also: On page 15, Section 19, line 35, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners."

Also: On page 15, Section 19, line 35, of the printed bill, strike out the word "he" at the end of the line, and insert in lieu thereof the word "which."

Also: On page 15, Section 19, line 36, of the printed bill, strike out the word "deputies", and insert in lieu thereof the word "secretary."

Also: On page 15, Section 19, line 37, of the printed bill, after the word "March", strike out the numbers "1, 1906", and insert in lieu thereof the numbers "21, 1906."

Also: On page 15, of the printed bill, strike out all of Section 20, and insert in lieu thereof the following:

"SEC. 20. This Act shall be known as the Building and Loan Commission Act."

SEC. 21. This Act shall take effect immediately."

Also: On page 14, Section 19, line 8, of the printed bill, strike out the word "an"

Also: On page 14, Section 19, line 9, of the printed bill, strike out the word "official", and insert in lieu thereof the word "offices."

Also: On page 15, Section 19, line 26, of the printed bill, insert after the word "commissioner" the following: "proceeding for submission in office and reporting on Acts and parts of Acts in conflict herewith."

Also: On page 1, line 11, of the title in the printed bill, insert after the word "expenses" the following: "of the Bureau of Building and Loan Supervision."

Also: On page 11, Section 15, line 19, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twenty."

Also: In line 3, Section 3, page 4, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the following: "twenty."

Also: In line 38, Section 3, page 5, of the printed bill, strike out the word "twelve" and insert in lieu thereof the word "fifteen."

Also: In line 59, Section 18, page 14, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners."

Also: In line 8, Section 19, page 15, of the printed bill, strike out the word "an"

Also: In line 26, Section 19, page 15, of the printed bill, strike out the quotation mark following the semicolon in said line.

Also: In line 28, Section 19, page 15, of the printed bill, after the bracket, insert a "quotation mark (")."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 960 by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Bursall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curren, Gates, Hewitt, Hochman, Hurd, Judd, pl, Regan, Roseberry, Rush, Sanford, Shanahan, Stinson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 960 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing

for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays approved March 23, 1901" and respectfully request your honorable body to recede therefrom.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 643?"

By striking out of Section 2, line 45, the word "pointed".

Also: By striking out of Section 2, line 47, the word "pointed", and inserting in lieu thereof the word "great".

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 643 by the following vote:

AYES—Senators Beban, Bryant, and Juilliard—3.

NOES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Finn, Gates, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—26.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. of the Senate announced that he had appointed Senators Shanahan, Cutton, and Juilliard as a Committee on Conference on Assembly Bill No. 643, to act with a like committee from the Assembly.

MESSAGES FROM THE ASSEMBLY — RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendments Nos. 1, 3, 4 and 5 to Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

And: Refused to concur in Amendment No. 2 to Assembly Bill No. 913, and respectfully request that your honorable body recede from the same.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendment to Assembly Bill No. 913?"

On page 2, Section 1, lines 13, 14 and 15, strike out the following: "or if such person was a married woman who at the time of her death was the owner of community property which passed upon her death to the surviving husband;".

The roll was called, and the Senate receded from the above Senate amendment to Assembly Bill No. 913 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutton, Finn, Gates, Hewitt, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Assembly Bill No. 913 ordered transmitted to the Assembly.

PRESENTATION OF BILLS.

Senator Juilliard offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

THIRD READING OF SENATE BILLS—OUT OF ORDER

On motion of Senator Thompson, the third reading of Senate bills was taken up, out of order.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 81 of Article XI relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 48

A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, reading as follows: "The powers conferred on such charters, and to the supervisor thereof."

The Legislature of the State of California, at its thirty-third regular session, commencing on the second day of January, 1911, and made at all the sessions called to each of the two houses of said Legislature, during the same session, that a new section be added to Article XI of the Constitution of the State of California, to be known and designated as section seven and one half of Article XI of the Constitution of the State of California, and to read as follows:

Section 7 1/2. Any county duly having a charter law has such government independent with and subject to the Constitution, and having found such a charter, may frame a new one, relating to the matters mentioned in this section, special and general, by causing a board of fifteen freeholders, and forty more, or at least four hundred, qualified electors thereof, to be elected by the qualified voters of said county, at a general or special election. Said board of freeholders may be selected by proclamation of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the creation of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified voters of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified voters of said county, computed upon the total number of votes cast thereat for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the board of the registration of voters of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition, his certificate, properly dated, showing the result thereof, and if, by said said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors, provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the

nomination, by petition of electors, of candidates for county officers, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined

and certified by the county clerk, and if signed by the majority number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinafter provided for purposes for the election of boards of freeholders. Upon the presentation of said petition by said board of supervisors, said board must submit the proposition or propositions so made, either to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the submission of petition or petitions proposed amendment or amendments to the same manner as hereinafter provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In connection with such charter, or amendments thereto, any descriptive written or proposition may be presented for the choice of the electors, and may be read in separate distinct proposition to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed amendments to any charter, amendment or amendments thereto, shall be called by the board of supervisors, at a meeting, which shall specify the precise date and time of said election and shall establish the election precincts and designate the polling places thereon, and the time of the election officers for each such precinct. Such notices, given to each precinct, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided that if no such daily or weekly newspaper be printed or published in said county, then a copy of said notices shall be given by the county clerk to each public place in such county, and to be so given the notices to at least one public schoolhouse in each school district therein. In all other counties, every election thereon shall be held and conducted, the notices thereof announced, and the election thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any proposed charter, or amendment or amendments thereto submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote at elections, shall be observed so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this Constitution, and the same shall provide for the following matters:

1 For boards of supervisors and for the constitution, regulation and government thereof for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their removal, either by the electors of the counties at large or by districts, provided, that in any such said board shall consist of one member for each district, who must be a qualified elector thereof; and

2 For sheriffs, county clerks, treasurers, roadsters, house officers, tax collectors, public administrators, coroners, surveyors, district attorneys, judges, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3 For the number of justices of the peace and constables for each township, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

4 For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5 For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal; and

6 For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, or road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For officers other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable, *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Committee Substitute for Senate Constitutional Amendment No. 5 read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, ten o'clock and ten minutes P. M.

The President pro tem directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cassady, Cartwright, Curtin, Cutton, Finn, Gates, Hewitt, Hinchey, Hurd, Judd, Julliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Stroobridge, Thompson, Tyrell, Walker, Wolfe, and Wright—29.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and fifteen minutes P. M., Senator Cassady was brought to the bar of the Senate, and, on motion of Senator Cartwright, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and sixteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cartwright.

The roll of absentees was called, and Senate Constitutional Amendment No. 5 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Cassady, Cutton, Finn, Gates, Hewitt, Hinchey, Hurd, Julliard, Martinelli, Roseberry, Rush, Shanahan, Stetson, Stroobridge, Thompson, Tyrell, Walker, Wolfe, and Wright—29.

NOES—Senators Regan and Wolfe—2.

NOTICE OF MOTION TO RECONSIDER.

Senator Shanahan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5 was this day adopted.

THIRD READING OF SENATE BILLS, ETC.—RESUMED.

Senate Bill No. 941—An Act to amend Section 4251 of the Political Code relating to the salaries and fees of officers of counties of the 22nd class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Cassady, Curtin, Finn, Gates, Hewitt, Hinchey, Hurd, Julliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Stroobridge, Thompson, Tyrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

On motion of Senator Wright, Senate Bill No. 893 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

Senate Constitutional Amendment No. 14 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States.

On motion of Senator Welch, Senate Joint Resolution No. 23 was temporarily passed on file, to retain its place.

Senate Bill No. 1197—An Act to amend Section 1401 of the Civil Code relating to community property.

Senate Bill No. 1197 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 701—An Act to amend Section 637a of the Penal Code of the State of California, relating to the killing of birds other than game birds.

On motion of Senator Birdsall, Senate Bill No. 701 was temporarily passed on file, to retain its place.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 959 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cullen, Finn, Gates, Hewitt, Holohan, Hurd, Juillard, Martirelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 608 (Committee Substitute for)—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

On motion of Senator Regan, Committee Substitute for Senate Bill No. 608 was temporarily passed on file, to retain its place.

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

On motion of Senator Caminetti, Senate Bill No. 965 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Con-

stitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

The following amendment was offered by Senator Hewitt:

On page 1, of the printed amendment, strike out all line 4, at the end, the words "the formation of."

Also, On pages 1 to 7, inclusive, of the printed amendment, strike out all lines 8 to 257 inclusive, and insert in lieu thereof the following:

"The Legislature may, by general laws, provide for the consolidation of and unincorporated territory with any existing city and county, containing a population of not less than one hundred thousand, as determined by the last preceding United States census, of unincorporated territory, unincorporated or otherwise, containing a population of not less than one thousand, or parts thereof be situated in different counties, to be under the government of such city and county. The Legislature may also, by general laws, provide for the consolidation into one municipal government, with one set of officers, and the municipal powers of a city and of a county, and with a common prison and school system, after provided, of city and county territory within the various unincorporated city or cities, or within such territory and cities, to be included in such consolidated city and county, or parts thereof be situated in different counties. The territory to be so included shall be contiguous, and shall contain a population of at least ten thousand, as determined by the last preceding United States census. No city shall be divided by any such annexation or consolidation, but shall any part of the territory of a county be annexed to, or be consolidated with, or be included in any city and county in such manner that the remaining territory of such county shall completely surround such city and county, it shall not be contiguous to said county, a population of less than eight thousand, but this shall not be construed so as to prevent the annexation to consolidation, such as annexation to the city and county of an entire county. The Legislature, in providing for the formation of a new city and county by consolidation, shall provide for the election or appointment of a board of freeholders, with qualifications as prescribed by the Legislature, to prepare and propose a charter for the government of such city and county, and shall also provide for the submission thereof to the qualified electors within the territory to be included therein, for ratification or rejection. No city or unincorporated territory shall be included in any proposed consolidation of city and county, or be consolidated with any existing city and county, without the consent of a majority of the qualified electors of such city or territory, and of the whole of such county containing such city or any part of such territory, voting in the proposition, at an election at which such proposition shall be submitted, save in the case of a proposed consolidation of city and county governments with a charter therefor, as above provided, unless a majority of the qualified electors of such city, and also of the unincorporated territory, if any, to be included therein, voting thereon at such election, shall also ratify such proposed charter, which shall be submitted at such election. If such proposed consolidation of city and county governments be approved and the proposed charter therefor be ratified as above provided, such proposed charter shall thereupon be submitted to the Legislature for approval or rejection as a whole, without power of amendment or amendment, and the provisions of section eight of this article respecting the manner and effect of the approval by the Legislature, of charters therein mentioned, shall, so far as applicable, apply to charters prepared under the authority of this section. Any freeholders' charter framed under the authority of this Constitution for the government of a city and county may provide for the establishment and dissolution of a borough system of government, within any part of the territory included or to be included, in such city and county, with such special municipal powers as such charter may provide. Every charter framed under this section shall provide for the payment of all debts and liabilities of each city consolidated in the city and county to be governed thereby, outstanding at the date of such consolidation, and prescribe the territory in any such city and county within which taxes shall be levied and collected for the payment thereof. No property in any territory within the limits of any city and county enlarged by consolidation, under the provisions of this section, shall ever be taxed for the payment of any municipal indebtedness or liability, outstanding at the date of such consolidation and for the payment of which the property in such territory was not, prior to such consolidation, subject to taxation, unless, at the election at which such consolidation was authorized, there shall have been submitted to the qualified electors of such territory the proposition that such consolidation and the taxation of such property for the payment of such indebtedness or liability, be approved, and the same shall have been approved by a majority of such electors, voting at such election. The legislative body of such city and county shall provide for the payment of all debts and liabilities of each city so consolidated therein, and shall levy and collect the necessary taxes therefor. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated governments. The provisions of this article as to the removal of county seats and the formation of

new counties shall not apply to the formation, or to the extension of the territory, of such consolidated cities and counties. The Legislature shall enact such laws as shall be necessary, to provide for the proper conduct of the affairs of any city and county formed under the authority of this section, until the organization thereof under its charter; and to prevent an interruption of the government of any county from which territory is taken for the formation or enlargement of any city and county, and, in case the county seat of any such county is included in the territory so taken, to provide for the establishment of a new county seat in such county; and to provide for the holding of superior and inferior courts, and the territorial jurisdiction thereof, in any such county or city and county, until otherwise provided for by law. The Legislature shall enact such other laws as may be necessary to carry into effect the purposes of this section."

MOTION.

Senator Hewitt moved that the proposed amendment be printed in the Journal, and pending amendments, Senate Constitutional Amendment No. 42 retain its place on file.

Motion carried.

THIRD READING OF SENATE BILLS, ETC.—(RESUMED).

Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters.

On motion of Senator Hewitt, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Hewitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 899—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Senate Bill No. 899 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS, ETC.—(RESUMED).

Senate Bill No. 1141 Committee Substitute for:—An Act to provide for the improvement of public streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds.

On motion of Senator Hewitt, Committee Substitute for Senate Bill No. 1141 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

On motion of Senator Hewitt, Senate Constitutional Amendment No. 49 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILLS.

Senator Bills asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1067—An Act to create a reclamation district to

be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also—

Senate Bill No. 1068—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Senate Bills Nos. 1067 and 1068 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED)

Senate Bill No. 897—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, and to provide that proceedings and motions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

On motion of Senator Hewitt, Senate Bill No. 897 was passed, to be placed at the foot of the file.

Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Avey, Behar, Bell, Bell's Resolution, Black, Raymon, Bryant, Campbell, Catwright, Cassidy, Conlin, Gates, Hewitt, Hines, Hard, Juillard, Martineau, Regan, Roseberry, Rush, Stinson, Strickland, Thompson, Walker, Wolfe, Wolfe and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

On motion of Senator Hewitt, Senate Bill No. 417 was temporarily passed on file, to retain its place.

Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Senate Bill No. 1247 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Read third time.

On motion of Senator Thompson, Senate Bill No. 1097 was temporarily passed on file, to retain its place.

Senate Bill No. 118—An Act to amend section three thousand six hundred and fifty-five of the Political Code, relating to the duties of county assessors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobbridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR GATES IN THE CHAIR.

At ten o'clock and thirty minutes P. M., Senator Gates, of the Thirty-fourth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1099 passed by the following vote.

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutton, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 680 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 570—An Act to amend Section 1050 of the Code of Civil Procedure, relating to actions to determine adverse claims for money or property, or respecting water rights, and by sureties.

On motion of Senator Thompson, Senate Bill No. 570 was temporarily passed on file, to retain its place.

Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers

of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Senate Bill No. 888 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

On motion of Senator Hewitt, Senate Bill No. 901 was temporarily passed on file, to retain its place.

Senate Bill No. 160—An Act to amend section one thousand nine hundred and seventeen of the Political Code of California, relating to the enrolled militia.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 978—An Act to amend section seventeen hundred and ninety three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

On motion of Senator Regan, Senate Bill No. 978 was passed, to be placed at the foot of the file.

Senate Bill No. 654—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Senate Bill No. 654 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 653—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

Senate Bill No. 653 was passed, to be placed at the foot of the file.

Senate Bill No. 238—An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

Senate Bill No. 238 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

On motion of Senator Avey, Senate Constitutional Amendment No. 38 was temporarily passed on file, to retain its place.

Senate Bill No. 572—An Act to conserve the artesian and underground waters of the State.

Senate Bill No. 572 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 936—An Act to amend Sections 3607, 3608, 3617, 3627, 3628, 3629, 3641, 3643, 3650, 3663, 3678, 3679, 3692, 3696, 3701, 3714, 3728, 3732, 3734, 3737, 3753, and 3764 of the Political Code; to repeal Sections 3609, 3610, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3719, 3757, and 3769a of the Political Code, and to add a new section to the Political Code, to be numbered 3714a, relating to revenue and taxation.

On motion of Senator Thompson, Senate Bill No. 936 was passed, to be placed at the foot of the file.

Senate Bill No. 882—An Act to create the office of public defender, provide for his election, define his duties, and fix his compensation.

On motion of Senator Gates, Senate Bill No. 882 was passed, to be placed at the foot of the file.

Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to section one of article six of the Constitution of the State of California, relating to judicial department of the State, and creating a court of impeachment.

On motion of Senator Wright, Senate Constitutional Amendment No. 3 was passed, to be placed at the foot of the file.

Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a bureau of labor statistics," approved March 3, 1883.

On motion of Senator Hurd, Senate Bill No. 1079 was passed, to be placed at the foot of the file.

Senate Bill No. 1051—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

On motion of Senator Martinelli, Senate Bill No. 1051 was passed, to be placed at the foot of the file.

Senate Bill No. 1138—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1138 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Curtin, Cutton, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1101 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Cutton, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1102—An Act providing for the conveyance by quit-claim deed, from the State of California to the Government of the

United States, of certain lands erroneously conveyed or patented to said State by said Government.

On motion of Senator Thompson, Senate Bill No. 1102 was passed, to be placed at the foot of the file.

Senate Bill No. 1105—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

On motion of Senator Thompson, Senate Bill No. 1105 was passed, to be placed at the foot of the file.

Senate Bill No. 1001—An Act to amend Section 3688 of the Civil Code of the State of California, relating to negotiable instruments.

On motion of Senator Gates, Senate Bill No. 1001 was temporarily passed on file, to retain its place.

Senate Bill No. 446—An Act to amend Section 1804 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

On motion of Senator Hewitt, Senate Bill No. 446 was temporarily passed on file, to retain its place.

Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts.

On motion of Senator Hewitt, Senate Bill No. 1028 was temporarily passed on file, to retain its place.

Senate Bill No. 760—An Act to regulate the practice of mechanical therapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and to punish persons violating the provisions of this Act.

On motion of Senator Finn, Senate Bill No. 760 was temporarily passed on file, to retain its place.

Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a pension school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1184 passed by the following vote:

AYES—SENATORS Ayes: Behre, Bell, Bell, Briggs, Buck, Bunker, Bryant, Caminetti, Cassidy, Cramer, Gans, Hoffman, Hurd, Johnson, Marshall, Rogers, Roseberry, Rush, Stetson, Strother, Thompson, Walker, Walsh, Ware, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 689—Committee Substitute for —An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

On motion of Senator Hurd, Committee Substitute for Senate Bill No. 689 was temporarily passed on file, to retain its place.

Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

On motion of Senator Martinelli, Senate Bill No. 1049 was temporarily passed on file, to retain its place.

Senate Bill No. 1200—An Act granting to the city and county of San Francisco, State of California, any and all property, real, personal and mixed in possession of the State of California and situated in the city and county of San Francisco, and under the jurisdiction and control of the State Board of Harbor Commissioners.

Senate Bill No. 1200 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having first been obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campetti, Cassidy, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roscherry, Rush, Sretson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 902—An Act to add a new section to the Political Code, to be known and numbered as Section 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

On motion of Senator Bell, Senate Bill No. 902 was temporarily passed on file, to retain its place.

ADJOURNMENT.

At ten o'clock and fifty minutes p. m., on motion of Senator Bell, the acting President declared the Senate adjourned.

IN SENATE

SENATE CHAMBER,

Friday, March 17, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avery, Behan, Bell, Bell, Benson, Black, Burdick, Bryant, Burnett, Cammerette, Canfield, Cartwright, Cawsey, Curtis, Curtis, Felt, Gallo, Hans, Haro, Hewitt, Holahan, Hunt, Judd, Larkin, Lewis, Mackinnon, Moore, R. Berry, Rush, Sanford, Shattuck, Smith, Stoddard, Thompson, Tamm, Watson, Welch, Wells, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 16, 1911, the further reading was dispensed with, on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hans, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to N. Rosalind and thirty-seven pupils from John C. Fremont High School of Oakland.

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to W. M. Bowen and H. Z. Osborne, both of Los Angeles.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

MR. PRESIDENT: Your Committee on Introduction of Bills, to which was referred the following:

Senate Bill No. 1286, by Senator Juddard, entitled "An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the fourth class."

Senate Bill No. 1287, by Senator Stetson, entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 24, 1872, by adding a new section thereto, to be known as section six hundred and four a, providing for the formation of religious corporations.

Senate Joint Resolution No. 19, by Senator Cartwright, entitled "Relative to a graduated system of taxation to be enacted by the government of the United States."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and that the authors be permitted to introduce said bills and Senate joint resolution.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cartwright:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members

thereof, be complied with, and that the authors be, and they hereby are, permitted to introduce said bills and joint resolution recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cartwright moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Black, Boynton, Bryant, Cammonell, Cartwright, Gates, Hans, Hays, Hecobum, Juddard, Larkins, Lewis, Martinelli, Regan, Roscherry, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—25.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and thirty minutes A. M., Senator Hewitt was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At ten o'clock and thirty-one minutes A. M., Senators Campbell and Sanford were brought to the bar of the Senate, and, on motion of Senator Martinelli, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cartwright.

The roll of absentees was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bardsall, Black, Boynton, Bryant, Cammonell, Campbell, Cartwright, Gates, Hans, Hays, Hewitt, Hecobum, Juddard, Larkins, Lewis, Martinelli, Regan, Roscherry, Rosch, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—OUT OF ORDER

The following bills, etc., were introduced:

By Senator Juddard: Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Stetson: Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code", approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cartwright: Senate Joint Resolution No. 26—Relative to a graduate system of taxation to be enacted by the Government of the United States.

SUSPENSION OF RULES.

Senator Cartwright asked for, and was granted, unanimous consent to suspend the rule, and place Senate Joint Resolution No. 26 on file without reference to committee.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER.)

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 968—An Act to amend Section Two hundred and sixty-four of the Penal Code defining the punishment for rape.

Also: Assembly Bill No. 1677—An Act to amend sections one of Chapter XLIV of the statutes passed at the Extra Session of 1906, removing the requirement that state transcripts of all records pertaining to the State, returned by the various state institutions, commissions and boards and directing the destruction of the same.

Also: Assembly Bill No. 1678—An Act relating and relating to mortgages, regulating assignments of wages and salaries as security for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Also: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the transportation, sale or transportation of emancipated, misclassified or misrecorded funds and property, and regulating the traffic therein, providing penalties, establishing a crime, imposing the same, imposing and fixing and making an appropriation therefor," approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bill No. 968 ordered on file for second reading.

Assembly Bills Nos. 997, 1098, and 882 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Penal Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Also: Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264c, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Also: Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary therefor.

Also: Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Also: Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 892, 1011, 1558, 791, 532, and 996 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice, given on previous day, Senator Roseberry moved that the vote whereby Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations—was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Gates, Holahan, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the consideration of Senate Constitutional Amendment No. 36 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order now under consideration.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State

of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 33 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 34 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 35 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Bill No. 1106 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article 6 thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerks, and also relating to the duties and compensation of such officers—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 33 be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Lieutenant Governor Albert J. Wallace in the chair.

CONSIDERATION OF BILL—(RESUMED).

Senator Roseberry asked for, and was granted, unanimous consent to take up Assembly Bill No. 842 for consideration, out of order.

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Gates, as a special committee of one, to amend as follows:

By striking out of Section 1 in lines 23 and 24, the words "or longer".

Motion carried.

BUSINESS OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom were referred Assembly Bill No. 842, with instructions to amend respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report, and amendments, to Assembly Bill No. 842 refused adoption.

The question being on the passage of this bill.

The roll was called, and Assembly Bill No. 842 finally passed by the following vote:

AYES—Senators Bliss, Banks, Bayne, Bennett, Conner, Connelly, Cartwright, Curtin, Hendon, Jaffar, Lathrop, Lewis, Martinelli, Regan, Roseberry, Rush, Sherman, Stroop, Wagon, Wolfe, and Wolfe—21.

NOES—Senators Ayer, Bailey, Bell, Black, Carter, Gates, Hard, Sanford, Thompson, and Wright—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Assembly Bill No. 1200 ordered on file for second reading.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 24.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article two of the Constitution of the said State, relating to the election and salary of a Superintendent of Public Instruction and also by repealing section two of article two of said Constitution, relating to the term of office first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

The Legislature of the State of California, at its regular session commencing on the second day of January, meeting January and ending, the fourth of all the members elected to each of the houses of said Legislature voting in favor thereof, have passed that the Constitution of the State of California be amended as follows:

First.—Amend section two of article two as to go to read as follows:

Sec. 2. A superintendent of public instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the Governor, provided, however, that any person elected to said office before this amendment shall continue to hold his office until the expiration of the term for which he was elected. The Superintendent of Public Instruction shall receive a salary of five thousand dollars per annum.

Second.—Section two of article two of the Constitution of the State of California is hereby repealed.

Assembly constitutional amendment read.

PRESIDENT PRO TEM ROYDSON IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M. Hon. A. E. Roydson, President pro tem, of the Senate, in the chair.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Thompson, the hour of recess was extended thirty minutes.

SENATOR CAMPBELL IN THE CHAIR.

At twelve o'clock and forty-two minutes P. M., Senator Campbell of the Thirty-first District, in the chair.

CONSIDERATION OF SENATE ORDER—FIRST READING.

Assembly Constitutional Amendment No. 24.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article two of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction and also by repealing section two of article two of said Constitution, relating to the term of office first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

The following amendment was offered by Senator Sanford:

On page 2 Section 2, strike out lines 8, 9, 10, 11 and the words "the Governor," in line 12, and insert in lieu thereof the following: "A superintendent of public instruction shall be elected by the voting qualifications of voters of the several counties of the State, and his term of office shall be four years."

Amendment refused adoption.

TIME OF RECESS EXTENDED.

At one o'clock P. M., on motion of Senator Strickland, the hour of recess was extended thirty minutes.

CONSIDERATION OF SPECIAL ORDER—RESUMED.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—be made a special order for Monday, March 20, 1911, at eleven o'clock and thirty minutes A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the consideration of Senate Constitutional Amendment No. 36 be made a special order for Monday, March 20, 1911, immediately after the consideration of the special order heretofore set.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of

California by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 35 be made a special order for Monday, March 20, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 35 be made a special order for Monday, March 20, 1911, immediately after the consideration of the special orders heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Assembly Bill No. 1106 be made a special order for Monday, March 20, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article 6 thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Assembly Constitutional Amendment No. 33 be made a special order for Monday, March 20, 1911, at eleven o'clock A. M.

Motion carried.

RESOLUTION (OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the MAILING CLERK of the Senate is exhausted, therefore be it

Resolved, That the State Comptroller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for one hundred and thirty stamps for expressage and postage, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT

Chairman Senate Committee on Contingent Expenses

Sacramento, Cal., March 17, 1911.

Resolution read

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Biss, Bristol, Black, Boynton, Burnett, Campbell, Cannibell, Cartwright, Curtis, Curren, Gates, Hale, Hearn, Hays, Lockwood, Martinelli, Regan, Rosenthal, Sanford, Shandham, Stinson, Stoddards, Tyndal, Walker, Wells, and Wright—29

NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 124—An Act to provide for the construction of an apartment building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor have had the same under consideration and respectfully report the same back, and recommend that the committee substitute therefor be adopted.

CUTTEN, Chairman.

Senate Bill No. 124 ordered on file for second reading.

SPECIAL ORDER RE-SET.

On motion of Senator Welch, the consideration of the special order heretofore set for Friday, March 17, 1911, at two o'clock and thirty minutes P. M., being the consideration of Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 1183*a*, 1200, and 1303*a* of said Code, relating to the liens of mechanics and others—was postponed and made a special order for Friday, March 17, 1911, at three o'clock P. M.

RECESS.

At one o'clock and thirty minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 278, the same was taken up for consideration.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 1183*a*, 1200, and 1303*a* of said Code, all relating to the liens of mechanics and others.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

On page 2, line 40, after the word "shall", insert the word "not".

Also: On page 2, line 40, after the word "of", strike out the word "all", and insert in lieu thereof the word "any".

Also: On page 2, line 40, after the comma following the word "claimants", insert the words, "other than the contractor".

Also: On page 2, line 42, after the word "owner", insert the following: "except as hereinafter provided".

Also: On page 2, line 41, strike out the word "the", and the brackets enclosing same, and insert in lieu thereof the word "any".

Also: On page 3, beginning with the bracket on line 51 thereof, strike out down to and including the period after the word "thereunder" in line 59, and in lieu thereof insert the following: "and of which such contract, or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall, in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and

all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover said bond in any suit brought to enforce the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such bond to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond to the said deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to the contractor for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section.

Also: On page 4, line 25, strike out the word "and", and insert in good faith the word "is".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF FIVE

SENATE CHAMBER, SACRAMENTO, MARCH 10, 1911.

MR. PRESIDENT: Your special committee of five, to whom you referred Assembly Bill No. 278, with instructions to draft amendments, respectfully reports the same herewith, as per instructions.

CARLEWRIGHT, Chairman.

The question being on the adoption of the report of Senator Carlewright as a special committee of one.

The report was refused adoption.

REPORT OF SPECIAL COMMITTEE OF FIVE

Senator Stetson presented the following report of the special committee of five, which was received and read:

On page 2, line 40, after the word "shall", insert the word "not".

Also: On page 2, line 40, after the word "of", strike out the word "off", and insert in lieu thereof the word "own".

Also: On page 2, line 40, after the words following the word "hereinafter", insert the words "rather than the suffix".

Also: On page 2, line 42, after the word "owner", insert the following: "except hereinafter provided".

Also: On page 2, line 41, strike out the word "the" and hereafter containing same, and insert in lieu thereof the word "any".

Also: On page 3, beginning with the language in line 51, through same, and down to and including the period after the word "hereinafter", in line 56, and in line 57, insert the following: "and in which such contracts or modifications thereof, the owner shall have had actual notice before the commencement of such work or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, within the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials hereinafter. In case said original contract shall, before the work is commenced, be so filed together with a bond of the contractor with good and sufficient sureties in any amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the participation of the contract, be also conditioned for the payment to him of the wages of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to enforce the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to the claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section.

It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract, a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided."

Also: On page 4, line 25, strike out the word "are", and insert in lieu thereof the word "is".

Also: On page 5, line 33, insert after the period the following: "The owner may within ten days after the completion of any contract, or within forty days after cessation from labor thereon, file for record in the office of the county auditor of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name and nature of his title, and a description of the property sufficient for identification, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed then the said owner and all persons derailing title from or claiming any interest through him shall be estopped in any proceedings for the foreclosure of any lien provided for in this chapter from maintaining any defense therein based on the ground that said lien was not filed within the time provided in this chapter. *provided*, that all claims of lien must be filed within ninety days after the completion of any building, improvement or structure, or the alteration, addition or repair thereto."

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Burnett, as a special committee of one, to amend in conformity with the report of the special committee of five, as follows:

On page 2, line 40, after the word "shall", insert the word "not".

Also: On page 2, line 40, after the comma following the word "claimants", insert in lieu thereof the word "any".

Also: On page 2, line 40, after the comma following the word "claimants", insert the words "other than the contractor".

Also: On page 2, line 41, strike out the word "the", and brackets enclosing same, and insert in lieu thereof the word "any".

Also: On page 2, line 42, after the word "owner", insert the following: "except as hereinafter provided".

Also: On page 3, beginning with the bracket on line 51 thereof, strike out down to and including the period after the word "thereunder", in line 59, and in lieu thereof insert the following: "and of which such contract, or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to the claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section.

It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract, a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided."

Also: On page 4, line 25, strike out the word "are", and insert in lieu thereof the word "is".

Also: On page 5, line 33, insert after the period the following: "The owner may within ten days after the completion of any contract, or within forty days after the cessation from labor thereon, file for record in the office of the county recorder of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name and the nature of his title, and a description of the property sufficient for identification, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed then the said owner and all persons derailing title from or claiming any inter-

est through him shall be estopped in any proceedings for the enforcement of any lien provided for in this chapter from asserting any defense therein based on the ground that said lien was not filed within the time provided in this chapter, provided that all claims of lien must be filed within thirty days after the completion of any building improvement or structure, or the alteration, addition or repair thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 278, with instructions to amend, respectfully requests the same have amended as per instructions.

BURNETT, Chairman.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Assembly Bill No. 278.

LEAVES OF ABSENCE

Senator Rush was, on motion of Senator Tyrrell, granted leave of absence for this afternoon.

MOTION TO RECONSIDER

In compliance with his notice, given on previous day, Senator Wright moved that the vote whereby Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class—was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 680 was passed be made a special order for Friday, March 17, 1911, immediately after the consideration of the reading of Assembly bills.

Motion carried.

MOTION TO RECONSIDER

In compliance with his notice, given on previous day, Senator Shanahan moved that the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—was adopted, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Shanahan moved that the further consideration of the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5 was adopted be made a special order for Friday, March 17, 1911, immediately after the consideration of the reading of Assembly bills.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Also: Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

Also: Senate Bill No. 949—An Act to amend Section 870 of the Civil Code, relating to sales, conveyances and mortgages of real estate by trustees.

Also: Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$100,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Also: Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams and for acquiring land for necessary rights of way.

Also: Senate Bill No. 975—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Also: Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Also: Senate Bill No. 1180—An Act to amend section four thousand two hundred and seventy nine of the Political Code, relating to the compensation of officers of counties of the fiftieth class.

Also: Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Also: Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Also: Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Also: Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and town-

ship officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Also Senate Bill No. 1281—An Act to amend Section 2742 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Also Senate Bill No. 1282—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty second class.

And report that the same have been carefully considered.

CASSIDY, Chairman.

Senate Bills Nos. 450, 948, 949, 137, 197, 975, 1043, 1180, 1256, 1278, 1279, 1280, 1281, and 1283 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT, Your Committee on Progress and Improvement have examined Senate Bill No. 217—An Act to carry into effect the provisions of subdivision ten of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November of the year one thousand nine hundred and ten, in so far as the same relates to the State University, and also to provide for the permanent support and improvement of the University of California, and to that end making a continuing appropriation and creating an annual fund therefor, and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to amend an Act entitled February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," approved February 27, 1897, entitled "An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," approved March 20, 1909.

Also Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Also Senate Bill No. 680—An Act to amend Section 4266 of the Political Code, relating to officers and salaries in counties of the twenty class, and to amend Section 4265 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

And report that the same have been carefully considered.

CASSIDY, Chairman.

Senate Bills Nos. 217, 430, and 680 ordered on file for third reading.

SECOND READING OF ASSEMBLY BILLS—OUT OF ORDER

On motion of Senator Walker, the second reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 828—An Act to amend Section 3493a of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, before the word "shall" insert the following: "having a carrying capacity of fifty tons or greater."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

During second reading of the bill, the following amendments were submitted by committee:

On page 3, Section 8, line 72, strike out the word "issue", and insert in lieu thereof the following: "heir or heirs".

Amendment adopted.

Also:

On page 4, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the words "one year", and insert in lieu thereof the following: "within six months".

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the word "adjournment", insert the following: "of each session".

Amendment adopted.

Also:

On page 1, Section 1, line 11, strike out the words "the general", and insert in lieu thereof the following: "any".

Amendment adopted.

Also:

On pages 1 and 2, lines 11 and 12, Section 1, strike out the words "sufficient in number".

Amendment adopted.

Also:

On page 2, Section 2, line 7, strike out all of line 7, and insert in lieu thereof the following: "with such instructions".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 790—An Act to amend Section 3051 of the Civil Code of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640, and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation,

consolidation and merger of union high school districts with high school districts of an incorporated city or town.

On motion of Senator Caminetti, Assembly Bill No. 927 was temporarily passed on file, to retain its place.

Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section, relating to the duties of teachers in schools where no examining staff is employed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 113—An Act to amend Section 1574 of the Political Code of the State of California, providing for a free distribution of text books in common schools.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, of the printed bill, between the words "of" and "text books", insert the word "school".

Amendment adopted.

Also:

On page 2, Section 1, line 18, of the printed bill, strike out the word "be", and insert in lieu thereof the word "doom".

Amendment adopted.

Also:

On page 4, Section 1, line 106, of the printed bill, between the words "the" and "State", insert the word "said".

Amendment adopted.

Also:

On page 4, Section 1, line 109, of the printed bill, strike out the words "addition to the", and insert in lieu thereof the words "editions of".

Amendment adopted.

Also:

On page 5, Section 1, line 161, of the printed bill, strike out the word "approval", and insert in lieu thereof the word "approval".

Amendment adopted.

Also:

On page 6, Section 1, line 168, of the printed bill, strike out the word "additional", and insert in lieu thereof the word "educational".

Amendment adopted.

Also:

On page 6, Section 1, line 185, of the printed bill, strike out the word "school".

Amendment adopted.

Also:

On page 6, Section 1, line 185, of the printed bill, strike out the word "funds", and insert in lieu thereof the word "fund".

Amendment adopted.

Also:

On page 6, Section 1, following line 193, of the printed bill, add the following: "11. The existing law which provides the manner and the means for the distribution of the state school text-books is hereby continued in force and effect."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound, so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, line 9, strike out the word "forester", and insert in lieu thereof the following: "tree warden".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

During second reading of the bill, the following amendment was submitted by committee:

In line 7, after the word "way", insert the following: "is located".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653ze thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 727—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 598a, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty nine *a*, relating to the issuance of preferred stock by corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Assembly Bills Nos. 377, 390, 601, 624, 739, 1015, 1039, 632, 1066, 326, 338, 613, 194, and 378—An Act to amend Sections 626, 626a, 626d, 626f, 626j, and 626o of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Mosquitos River.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1073—An Act to amend Section 1 of an Act entitled an Act to provide for the transfer to the State of California by owners of patented lands therein of the right in preserve and protect wild game on such patented lands, to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—was refused adoption, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15 was refused adoption be made a special order for Friday, March 17, 1911, at three o'clock and forty-five minutes P. M.

Motion carried.

SECOND READING OF ASSEMBLY BILLS—RESUMED.

Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as the Kings River Highway, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

Also:

In line 3, Section 2, of the printed bill, strike out the words "twenty-five thousand", and insert in lieu thereof the words "twelve thousand five hundred".

Amendment adopted.

Also:

In lines 3 and 4, Section 2, of the printed bill, strike out the words "twenty-five thousand", and insert in lieu thereof the words "twelve thousand five hundred".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

In line 4, Section 1, of the printed bill, strike out the words "obtaining the right of way for".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain Acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to

make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1895, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Water Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by amending Sections 1, 14, 2, 3, 6, 7 and 17 thereof, and by adding a new section thereto to be numbered Section 204, relating to the officers and employees of the department of engineering, their powers, duties and salaries.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, Section 2, line 7, strike out all of line 7 and line 8, down to "section" inclusive.

Amendment adopted.

Also:

On page 9, Section 10, line 3, strike out the words "five thousand dollars (\$5,000)," and insert in lieu thereof the following: "ten thousand dollars (\$10,000)."

Amendment adopted.

Also:

On page 9, Section 10, line 5, after the word "provides," strike out the remainder of the line and line 6, down to the word "and," inclusive.

Amendment adopted.

Also:

On page 9, Section 17, line 24, of the printed bill, strike out "five thousand dollars (\$5,000)," and insert in lieu thereof the following: "three thousand six hundred dollars (\$3,600)."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the Custom House at Monterey, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated

by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion of use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, and 2319j of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 58—An Act providing for the improvement and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 32, of the printed bill, strike out the words "felony, and upon", and also strike out all of lines 33, 34, and 35, and insert in lieu thereof the following: "misdemeanor, and shall be imprisoned by a fine not less than five hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions, and individual towels for the guests of such hotel.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 10, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, line 1, after the word "shall", strike out the word "shall" and insert in lieu thereof the following: "shall".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District No. 831," and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title 1, Part III, of the Political Code, to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Roseberry, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended, Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1010?"

Strike out all of lines 24, 25, 26, 27, and 28, page 2, Section 2, of the above Act, and insert in lieu thereof the following:

"(c) Such attorney in fact shall also file a stipulation or agreement in writing that any notice, provided by law or by any insurance policy, proof of loss, summons or other process may be served upon the attorney in fact or upon the Insurance Commissioner of the State of California, in all actions or in other legal proceedings against such individuals, partnerships, or corporations thus exchanging indemnity under the provisions of Section 1 of this Act. All notices, proofs of loss, summons, or other legal process so served shall give jurisdiction over the persons of such individuals, partnerships or corporations thus exchanging indemnity. Whenever such service of notice, proofs of loss, summons or other process shall be made upon the Insurance Commissioner, he must within ten days thereafter, transmit by mail, postage paid, a copy of such notice, proof of loss, or summons or other process to the attorney in fact so appointed by such individuals, partnerships or corporations so contracting among themselves and shall be addressed to such attorney in fact at the home or principal office through which such policies are to be issued. The sending of such copy by the Insurance Commissioner shall be a necessary part of the service of the notice, proof of loss, summons or other process. When any notice, summons or other legal process is served upon the Insurance Commissioner pursuant to the provisions of this section, the service as to such individuals, partnerships, or corporations thus exchanging indemnity shall be deemed complete at the end of sixty days after the date of the mailing of such copy of such notice, proof of loss, summons or other legal process to the attorney in fact as herein provided for."

Also: Following the period after the word "certificate" in line 28, page 2, Section 2, strike out the balance of the section, and insert in lieu thereof the following:

"(1) The attorney, agent or other representative shall, whenever and as often as the same shall be requested, file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of the individuals, partnerships or corporations, composing the subscribers in such reciprocal or inter insurance exchanges as shown by a commercial agency having at least one hundred thousand subscribers and that, from such examination, it appears that no subscriber of such exchange has assumed on any single risk an amount of liability greater than ten per cent of the net financial rating of such subscriber when such risk was assumed."

"(2) There shall also be filed with the Insurance Commissioner by any said attorney, agent or other representative, a written stipulation to the effect that all insurance written by him upon property situated within this State shall be deemed to be business done in this State and within the terms and subject as to taxation to the provisions of Section 14 of Article 13 of the Constitution of this State."

Also: Following the period after the word "paid", in line 10, page 3, add the following:

"Any such certificate so issued as above may be revoked or suspended by the Insurance Commissioner if any of such individuals, partnerships or corporations exchanging indemnity under the provisions of this Act fail to comply with any or all of the requirements of this Act."

Also: After the word "indemnity", in line 3, Section 8, add the words, "upon risks located in this State."

Also: After the word "insurance", in line 5, in Section 8, add the words, "upon business done in this State."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1010 by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Shanahan, Thompson, Tyrrell, and Walker—25.

NOES—None.

Senate Bill No. 1010 ordered to enrollment.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR

At four o'clock and forty minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.—(Continued.)

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1325—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226, and 3227, relating to weights and measures.

Also: Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof, relating to meetings open to public inspection, as follows, in attachment.

Also: Assembly Bill No. 1484—An Act to amend sections sixteen and seventeen of an Act entitled "An Act to allow incorporated towns and villages an exclusive right and maintain systems of street lighting on public highways or streets, for the formation, government and operation of highway lighting districts, the setting and holding of elections in such districts, the assessment of taxes thereon, and the payment of taxes thereon," and the creation of exclusive district of supervisors, approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property in case of default.

Also: Assembly Bill No. 1505—An Act to provide for the removal of a historical monument to Abraham Lincoln, transferring a commission thereon, and providing an appropriation to carry the Act into effect.

Also: Assembly Bill No. 1508—An Act to create a board to deal with incorporated cities and towns within such counties as the state commission of public buildings to be used jointly for county and municipal purposes.

Also: Assembly Bill No. 1482—An Act to make an appropriation for the location, survey and construction of a state highway from the City and County of Los Angeles, located in Calaveras County, to the Pacific Calaveras County, thence running northerly following what is known as the Big Tree and Carson Valley, thence through Calaveras and Alpine counties to Marksville, Alpine County, California.

Also: Assembly Bill No. 1001—An Act to amend Section 36 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the punishment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1909.

Also: Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Also: Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the payment thereof.

Also: Assembly Bill No. 1203—An Act to amend sections seven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Also: Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Also: Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly or in connection with any person, firm, corporation, reclamation district, water district, drainage district, public agency or municipal corporation, sand levees or other joint works of reclamation.

Also: Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in respect of trucks.

Also: Assembly Bill No. 760—An Act to amend Sections 4097, 4101, and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

Also: Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the exposition building at Los Angeles, California.

Also: Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 922—An Act to provide an appropriation for grading, grading, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Also: Assembly Bill No. 923—An Act to provide appropriation for the equip-

ment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1329, 471, 1484, 1505, 1508, 982, 1001, 1157, 1188, 1203, 1400, 1473, 51, 760, 831, 921, 922, 923, and 925 read first time.

Assembly Bills Nos. 1484 and 1508 ordered referred to the Committee on Municipal Corporations.

Assembly Bills Nos. 1505, 1400, 831, 921, 922, 923, and 925 ordered referred to Committee on Finance.

Assembly Bill No. 982 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 1001 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 1157 and 760 ordered referred to Committee on County Government.

Assembly Bill No. 1188 ordered referred to Committee on Education.

Assembly Bill No. 1203 ordered referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 51, 1329, and 471 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 522—An Act to provide for the purchase of live stock and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also Senate Bill No. 896—An Act to amend sections one, two, fourteen, and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Also Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Also Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Also Senate Bill No. 1124—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County a state highway.

Also Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also Senate Bill No. 227—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also Senate Bill No. 355—An Act relating to the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Also Senate Bill No. 400—An Act to amend Section 2255 of the Political Code

of the State of California, relating to and enumerating the powers and duties of the Board of Directors of the California Institution for the Deaf and the Blind.

Also Senate Bill No. 505—An Act to amend Section 17500 of the Penal Code, relating to course of study for high schools.

Also Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

I. R. MALLORY, *Chief Clerk of the Assembly.*

By THOS. G. WALKER, *Assistant Clerk.*

Senate Bills Nos. 522, 896, 898, 943, 1047, 1124, 109, 226, 227, 355, 400, 505, and 900 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Wolfe moved that the vote whereby Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments—was refused adoption, be now reconsidered.

The motion was duly seconded.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—was refused passage, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 533 was refused passage be made a special order for Friday, March 17, 1911, immediately after the consideration of the special order now under consideration.

Motion carried.

LEAVE OF ABSENCE.

Senator Lewis was, on his own motion, granted leave of absence after the adjournment this day, until Monday, March 20, 1911.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Motion to reconsider vote whereby Senate Constitutional Amendment No. 15 was refused adoption.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, five o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cullen, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and twenty minutes P. M., Senator Larkins was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

MOTION.

At six o'clock and seventeen minutes P. M., Senator Strobbridge moved that further proceedings under the call of the Senate be dispensed with.

Motion duly seconded.

The question being on the motion to dispense with further proceedings under the call of the Senate.

The roll call was demanded by Senators Wolfe, Wright, and Black.

The roll was called, and the motion to dispense with further proceedings under the call of the Senate, lost by the following vote:

AYES—Senators Avey, Bell, Boynton, Campbell, Roseberry, Sanford, Stetson, Strobbridge, Thompson, and Tyrrell—10.

NOES—Senators Beban, Bills, Black, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Finn, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Shanahan, Walker, Welch, Wolfe, and Wright—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At six o'clock and thirty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Stetson.

The roll of absentees was called, and the motion to reconsider the vote whereby Senate Constitutional Amendment No. 15 was refused adoption carried by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Gates, Hewitt, Holohan, Hurd, Juilliard,

Lewis, Martinelli, Rogers, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—Aye.
 Nays—Senator Cullen—1.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof relating to the formation of consolidated city and county governments, be made a special order for Saturday, March 18, 1911, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice, given on previous day, Senator Hurd moved that the vote whereby Senate Bill No. 533 was refused passage be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Avey, Beban, Bills, Black, Bryant, Burnett, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holahan, Hurd, Juddard, Larkins, Martinelli, Rogers, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force

relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901—be made a special order for Monday, March 20, 1911, at eleven o'clock and forty-five minutes A. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wright moved that the vote whereby Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Avey, Bohan, Bills, Black, Burnett, Caminetti, Cartwright, Cassidy, Finn, Gates, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strohbridge, Thompson, Walker, Welch, Wolfe, and Wright—26

NOES—None.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class—be made a special order for Saturday, March 18, 1911, at twelve o'clock M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—was adopted, the same was taken up for consideration.

SPECIAL ORDERS SET.

Senator Shanahan moved that the further consideration of the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5 was adopted, be made a special order for Saturday, March 18, 1911, immediately after consideration of the special order heretofore set for twelve o'clock M.

Motion carried.

Senator Burnett moved that the consideration of Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon

the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—be made a special order for Saturday, March 18, 1911, immediately after the special order heretofore set following the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER

The following report of standing committee was received and read:

ON FEDERAL RELATIONS

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 25—That the Legislature of the State of California does hereby make application to the Congress of the United States to call on the immediate future, a constitutional convention of the people of the United States for the purpose of proposing for ratification amendments to the Constitution of the United States, authorizing the several states to provide by law for the election of Senators of the United States by a direct popular vote, have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 25 ordered on file.

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1245—An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title, have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 1245 ordered on file for second reading.

ADJOURNMENT

At six o'clock and forty-five minutes p. m., on motion of Senator Wright, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, March 18, 1911.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Cammeron, Campbell, Cartwright, Cassidy, Carter, Carson, Estradillo, Finn, Gates, Hans, Hare, Hewitt, Holahan, Hunt, Jenkins, Marshall, Reagan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 17, 1911, the further reading was dispensed with, on motion of Senator Hans.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Newman Essick, of Los Angeles.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to J. P. Britt and George W. Hall, both of San Mateo.

LEAVE OF ABSENCE.

Senator Rush was, on motion of Senator Tyrrell, granted leave of absence for this day.

CALL OF THE SENATE.

Senator Wolfe moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Holohan, Hurd, Larkins, Regan, Roseberry, Shanahan, Stetson, Strobege, Thompson, Tyrrell, Walker, and Wolfe—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and twenty-one minutes A. M., Senators Wright and Welch were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

At ten o'clock and twenty-two minutes A. M., Senator Behan was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At ten o'clock and twenty-three minutes A. M., Senator Cutten was brought to the bar of the Senate, and, on motion of Senator Campbell, he was excused for absence from the Senate Chamber.

At ten o'clock and twenty-four minutes A. M., Senator Martinelli was brought to the bar of the Senate, and, on motion of Senator Campbell, he was excused for absence from the Senate Chamber.

At ten o'clock and twenty-five minutes A. M., Senator Hewitt was brought to the bar of the Senate, and, on motion of Senator Thompson, he was excused for absence from the Senate Chamber.

At ten o'clock and thirty-five minutes A. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Cartwright, he was excused for absence from the Senate Chamber.

At ten o'clock and forty minutes A. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At ten o'clock and forty five minutes A. M., Senator Hale was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At ten o'clock and fifty minutes A. M., Senator Fien was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At eleven o'clock and forty minutes A. M., Senator Heyman was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

LEGISLATIVE PROCEEDINGS UNDER CALL OF THE SENATE CHAMBER REVENUE

At eleven o'clock and forty one minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

CONSIDERATION OF SPECIAL ORDERS

The hour having arrived for the consideration of the special orders heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 12, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 12

A resolution, proposing to the people of the State of California, as amendment to the Constitution of the State of California, approving Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

The Legislature of the State of California, at its regular session, commencing on the second day of January, in the year nineteen hundred and seven, two thirds of its two houses, convened in both at the Senate and said Legislature, passed the following, to-wit: Whereas, in the people of the State of California, the following Amendment, to-wit: (Said Section 7 of Article XI) passed, as hereinafter is herein.

SECTION 7. The Legislature, in general laws, may provide for the merging and consolidating of counties, counties, cities or towns, cities or towns and counties, or counties or cities, with all or any county, or counties, providing, in the exercise of a popular vote of at least one hundred and seventy-five thousand, two hundred and seventy-five thousand, No. 10, or more shall become a part of such city and county, and, in the exercise of the qualified voters of such city or town, having thereon at a general or special election, shall approve such consolidation, and the charter of such consolidated city and county, but such city or town be dissolved by such consolidation. The manner so related may provide for a change of government, by which the different municipalities, existing for general municipal purposes shall nevertheless retain and exercise such special municipal powers as the charter may provide. The provisions of this Constitution applicable to cities and also those applicable to counties, so far as the Legislature is empowered to effect, shall be applicable to each case, and to all municipalities. The provisions of this article as to the removal of county seats and the formation of new counties shall not apply to the formation of such consolidated city and county governments, and the Legislature may by general laws provide for the removal of county seats made necessary by the formation of such consolidated city and county government. Such city and county shall be subject to a just proportion of the existing debts, and liabilities of the county or counties from which any part of its territory is taken, and shall be entitled to a just proportion of the property of such county or counties, and until such proportion is determined by general law, such city and county shall be entitled to any property at such county or counties situated within the limits of such city and county, and such county or counties shall be entitled to any property of such county or counties situated without the limits of such city and county. Such consolidated government shall also be liable for all the existing debts and liabilities of any municipal corporation merged therein, but provision shall be made for the payment of all outstanding bonds of such municipalities by taxes levied upon the property liable therefor at the time of such consolidation. The Legislature shall, by such general laws, provide for the organization of county governments and for the holding and territorial jurisdiction of superior courts in the remainder of any county whenever territory consolidated into a city and county government under the provisions hereof.

shall include the county seat of any county, such organization of county governments, and such holding and jurisdiction of superior courts to continue only until such time as the same is otherwise provided for by law."

Senate constitutional amendment read on a previous day

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 15 refused adoption by the following vote:

AYES—Senators Reban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Estudillo, Finn, Harg, Hewitt, Holohan, Hurd, Martinelli, Regan, Shanahan, Walker, Welch, Wolfe, and Wright—22.

NOES—Senators Avey, Bell, Campbell, Cartwright, Curtin, Cullen, Gates, Hans, Larkins, Roseberry, Sanford, Stetson, Strobridge, Thompson, and Tyrrell—15

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 47, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 47.

A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The Legislature of the State of California, at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article twelve of the Constitution of the State of California be amended so as to read as follows:

Sec. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation.

The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission: *provided, however,* that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated town as, at an election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the electors of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; *and, provided, further,* that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its electors, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature; or if such municipal cor-

poration shall have surrendered any powers to the Railroad Commission if may or like vote, thereafter reinvest itself with such power.

Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 47 adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Coffey, Leachman, Feltz, Gates, Hahn, Hewitt, Shanahan, Hurd, Larkins, Martinelli, Regan, Rossberry, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, and Wolfe—30.

NOES—Senator Wright—1.

Senate Constitutional Amendment No. 47 ordered engrossed and transmitted to the Assembly.

SPECIAL ORDER VACATED.

Senator Wright moved that the special order heretofore set for Saturday, March 18, 1911, for twelve o'clock M., the same being the consideration of Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class—be vacated.

Motion carried.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Wright asked for, and was granted, unanimous consent to take up Senate Bill No. 680 for consideration, out of order.

Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Coffey, Leachman, Feltz, Gates, Hewitt, Shanahan, Hurd, Larkins, Martinelli, Regan, Rossberry, Strobridge, Thompson, Walker, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Shanahan moved to recall Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class—from engrossment, for the purpose of amendment.

Motion carried.

CONSIDERATION OF BILL. OUT OF ORDER.

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 972 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class.

Senator Shanahan moved to amend as follows:

By striking out of Section 1, line 258, of the amended bill, the figures "15", and inserting in lieu thereof the figures "17".

Amendment adopted.

Also:

Strike out of Section 1, line 267 of the amended bill, the figures "17", and insert in lieu thereof the figures "18".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER

On motion of Senator Shanahan, the Secretary was directed to issue a rush order for printing Senate Bill No. 972.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1042 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 497—An Act to amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five, and sixty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897," and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes—and report that the same has been correctly enrolled, and presented the same to the Governor on this 17th day of March, 1911, at three o'clock and thirty minutes P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery—and report that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 726 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—was adopted, the same was taken up for consideration.

MOTION BY SENATOR BELL.

In compliance with his notice, given on 4 previous day, Senator Shannon moved that the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—was adopted, be reconsidered.

The motion was duly seconded.

TIME OF MOTION EXTENDING.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bell, the hour of recess was extended ten minutes.

CONSIDERATION OF SPECIAL ORDER—QUESTIONS.

The question being upon the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5 was adopted.

The roll was called, and the motion to reconsider the vote whereby Committee Substitute for Senate Constitutional Amendment No. 5 was adopted, lost by the following vote:

AYES—Senators Roban, Bryant, Estrada, Hays, Sherman, and Wolfe—6

NOES—Senators Avey, Bell, Bills, Black, Boutwell, Brewster, Cameron, Campbell, Carwright, Gages, Hans, Howell, Jackson, Roseberry, Stinson, Stranbridge, Thompson, Tyrrell, Walker, and Wright—20

Committee Substitute for Senate Constitutional Amendment No. 5 ordered engrossed, and transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Senate Bill No. 1256 for consideration, out of order.

Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredg-

ing and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1256 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Roseberry, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Thompson, the second-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville County road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor.

On motion of Senator Bills, Assembly Bill No. 519 was temporarily passed on file, to retain its place.

Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers and directing the disposition of the same.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, strike out the title, and insert the following: An Act to amend an Act entitled "An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine, approved March 20, 1905, relating to state moneys".

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out all of lines 1 and 2 and insert in lieu thereof the following:

"SECTION 1. Section one of an Act entitled 'An Act to amend certain acts of the Legislature relating to the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March 20, 1907, is hereby amended to read as follows:—

Amendment adopted.**Also:**

On page 1, Section 1, line 9, strike out the word "week", and insert in lieu thereof the following "month".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1098—An Act defining and relating to wage-brokers, regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 5, line 5, strike out the word "and", and insert in lieu thereof the following "two".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic thereon, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, line 13, strike out the words "when such dealer can", and insert in lieu thereof the following: "and can also".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1011—An Act to add a new section to the Political Code, to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Assembly Bill No. 278 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200, and 1303a of said Code, all relating to the liens of mechanics and others.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Finn, as a special committee of one, to amend as follows:

On page 6, Section 4, line 33, after the word "thereof", strike out the period, and insert a semicolon and the following: "the filing of the notice hereinafter provided for."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 278 with instructions to amend, respectfully reports the same back, amended as per instructions.

FINN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Assembly Bill No. 278.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Thompson, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 734—An Act to amend Section 4290 of the Political Code, relating to salaries, fees and commissions of county officers, their deputies and assistants.

During second reading of the bill the following amendments were submitted by committee:

On page 2, lines 29 and 30, strike out the words "counties and cities and counties of the first and second", and insert in lieu thereof the following: "any county or city and county of the first, second or third".

Amendment adopted.

Also:

On page 2, in line 32, after the comma following the word "property", insert the following: "nor shall such assessor receive any compensation or remuneration for the collection of poll taxes or road poll taxes."

Amendment adopted.

Also:

On page 2, strike out all of line 36 and insert in lieu thereof the following: "any county or city and county of the first or second class".

Amendment adopted.

Also:

On page 2, strike out of line 46, the words "eighteen hundred and ninety seven", and insert in lieu thereof the words "nineteen hundred seven".

Amendment adopted.

Also:

On page 3, Section 1, after the word "paid", in line 55, change the period to a semicolon and add the following: "provided further, that in case county or city and county officers perform municipal duties imposed by a charter framed under the provisions of sections eight and eight and one half of Article XI of the Constitution, the compensation of such officers and the expenses of such officers may be apportioned by the board of supervisors in proportion to the duties rendered as county officers under general laws and rendered as municipal officers under charter provisions, and the compensation determined to be for the performance of municipal duties shall be paid from funds raised for municipal purposes and the compensation determined to be for county duties shall be paid from funds provided by Sections 3714 and 4305 of this Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1054—An Act to amend Section 4273 of the Political Code, relating to salaries of officers of counties of the forty-fourth class.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title, of the printed bill, strike out the figures "4273", and insert in lieu thereof the figures "4271".

Amendment adopted.

Also:

In line 3, of the title, of the printed bill, strike out the word "fourth", and insert in lieu thereof the word "second".

Amendment adopted.

Also:

On page 1, Section 1, of the printed bill, strike out all of lines 1, 2, 3, and 4, and insert in lieu thereof the following:

"SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

"4271. In counties of the forty-second class, the county".

Amendment adopted.

Also :

Strike out of subdivision 8, on page 3, line 62, all after the word "that", down to and including the last word on line 65, and insert in lieu thereof the following: "in lieu of a temporary deputy heretofore provided for by law the district attorney may appoint a stenographer whose compensation shall be forty-five dollars per month, and".

Amendment adopted.

Also :

Strike out subdivisions 13 and 14, on page 3, of printed bill, and insert in lieu thereof the following :

"13. In counties of this class the township officers shall receive the following compensation for all services rendered by them in criminal matters of whatever kind, character or description.

14. In townships having a population of four thousand or more, justices of the peace and constables shall each receive a monthly salary of one hundred and twenty-five dollars, to be paid each month in the same manner and out of the same fund as the salaries of county officers are paid.

In townships having a population of less than four thousand, such fees as are now or may hereafter be allowed by law.

In addition to the monthly salaries allowed herein, each township officer may receive for his own use such fees as are now or may be hereafter allowed by law in civil actions."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1179—An Act to create a commission to regulate horse racing in the State of California.

During second reading of the bill, the following amendments were submitted by committee:

On page 2 Section 2, line 8, strike out the word "five", and insert in lieu thereof the following: "four".

Amendment adopted.

Also :

On page 3, Section 2, line 9, strike out all of line 9, after the word "shall", and all of lines 10, 11 and 12, and insert in lieu thereof the following: "classify themselves by lot so that two shall go out of office at the end of one year, and thereafter one shall go out of office at the end of the second year, and one at the end of the third year, and one at the end of the fourth year."

Amendment adopted.

Also :

On page 3, Section 3, line 6, beginning with the words "He shall", strike out all of lines 6, 7, 8, 9, 10, and 11, ending with the word "salary", in line 12.

Amendment adopted.

Also :

On page 3, Section 13, strike out the word "proceedings", and insert in lieu thereof the following: "proceedings".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 915—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 915

An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4230 of the Political Code is hereby amended to read as follows:

4230. In counties of the first class the county and township officers shall receive as compensation for the services required of them by law as by statute or their office the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, provided that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be the recorder and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the probate department at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and forty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and thirty-five dollars per month; one deputy who shall be an assistant to the recorder's clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the clerk at a salary of one hundred and fifty dollars per month; twelve deputies who shall be court messengers at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and thirty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and ten dollars per month; one deputy who shall be a foreman at a salary of one hundred and ten dollars per month; one deputy who shall be an order clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records at a salary of one hundred and ten dollars per month; one deputy who shall be recording clerk with the probate and at a salary of one hundred and fifty dollars per month; one deputy who shall be a recording clerk for probate orders at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and twenty-five dollars each per month; six deputies at a salary of one hundred dollars each per month; one telephone operator at a salary of seventy-five dollars per month; one messenger at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; provided, further, that in such cases as the compilation of the grand register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty dollars for a period not to exceed one month each in any such year; and a salary of ninety dollars per month each, and also for any such year two additional deputies in each voting precinct in the county for the purpose of registering voters in such precincts, who shall be paid five cents per name for each voter legally registered by them. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum, provided, that in counties of this class there shall be and there hereby is allowed to the sheriff an under sheriff and the following deputies, stenographers and employees who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred and fifteen dollars per month; three deputies at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail at a salary of seventy dollars per month; twenty-nine deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of one hundred dollars each per month; two deputies, who shall be bookkeepers at the county jail, at a salary of one hundred dollars each per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail at a salary of seventy-five dollars per month; two stenographers at a salary of seventy-five dollars each per month; one deputy, who shall be a chauffeur and mechanic at a salary of one hundred and twenty-five dollars per month. The

salaries of the under sheriff, matron, cook, and all deputies, stenographers and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors; and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and thirty dollars each per month; seven deputies at a salary of one hundred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; nineteen deputies at a salary of one hundred dollars each per month; one deputy at a salary of seventy-five dollars per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; two deputies at a salary of one hundred and ten dollars each per month; one deputy at a salary of one hundred dollars per month; one hundred and ten clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant cashier at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and twenty dollars each per month; one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and fifteen dollars per month; two deputies who shall be assistants to the cashier, at a salary of one hundred and fifteen dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars

per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifty dollars per month; six deputies who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer at a salary of sixty dollars per month; eighty-five clerks, for a period not to exceed six months, at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in procuring a property index, the compensation of such assistants, however, shall not exceed in the aggregate the sum of one thousand dollars during the year 1911, and the assistants in any year subsequent thereto for the reason and measure of such annual index. These compensations for any year after the year 1911 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed such sums as money allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants and stenographers herein provided for shall be paid in such manner as monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, six thousand dollars per annum, provided that in counties of this class there shall be and there is hereby allowed to the district attorney, the following deputies, clerks, and assistants who shall be appointed by the district attorney at said county and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two stenographers at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; five stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney, the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; provided, however, that nothing contained in this salary schedule shall be construed as limiting the provisions of section four thousand three hundred and seventy-four; further, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

8. The assessor, three thousand six hundred dollars per annum, provided that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and experts, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one head deputy, county department, at a salary of one hundred and fifty dollars per month; one head deputy, city department, at a salary of one hundred and fifty dollars per month; one assistant deputy at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty-five dollars each per month; five real estate valuation deputies at a salary of one hundred and twenty dollars each per month; two deputies who shall be cashiers at a salary of one hundred and twenty dollars per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; eleven deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; eighty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; thirty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding six months in any one year, at a salary of one hun-

dred dollars each per month; eighteen copyists at a salary of seventy-five dollars each per month; fifteen copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; sixty copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; ten comparers, for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; two stenographers at a salary of ninety dollars each per month; there is also allowed not to exceed five hundred dollars for transportation expense of the said assessor or his deputies for each year. It is further provided that in counties of this class, that if the assessor be directed by any law, or by any order of the board of supervisors, within counties of this class, to prepare maps, plats, or block books for the use of the county, or assessment rolls, for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, or block books, or assessment rolls; and provided, further, that he shall file with the county auditor a sworn statement, showing the persons to whom, and the amounts paid to each for such maps, plats, block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work. The salaries of the deputies, stenographers, clerks, and copyists herein provided for, shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is further provided that in counties of this class, the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; provided, however, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the State, and be and remain the property of such counties.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall he and he is hereby allowed the following assistants. One deputy at a salary of two hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same in longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies, clerks and stenographer herein provided for shall be paid by the county, in the same manner, and at the same time, and out of the same funds as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and seventy-five dollars per month. The salary of said deputy shall be paid by the county in the same manner, and at the same time, and out of the same fund as the salary of the public administrator is paid.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; provided, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of two hundred and twenty-five dollars each per month; one deputy at a salary of one hundred and seventy-five dollars per month; three deputies at a salary of one hundred and twenty-five dollars each per month; three deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; provided, that not more than five hundred dollars per annum shall be paid or expended in any

one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner as the same time and out of the same fund as the salaries of county officers are paid.

124. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly and out of the same fund, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services performed.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the road, and all necessary expenses for searching records and recording assessments made; provided, that in counties of this class there shall be and there being is allowed to the surveyor, the following deputies who shall be appointed by the supervisor of said county, and who shall be paid salaries as follows: One chief deputy who shall be a civil engineer at a salary of two hundred and fifty dollars per month, one deputy who shall be a bridge engineer at a salary of one hundred and ninety dollars per month, one deputy who shall be a civil engineer at a salary of one hundred and fifty dollars per month, seven deputies who shall be surveyors or draftsmen at a salary of one hundred and twenty-five dollars each per month, three deputies, two of whom shall be draftsmen and one a corner deputy, at a salary of one hundred and ten dollars each per month, two deputies who shall be draftsmen at a salary of one hundred dollars each per month, two deputies who shall be draftsmen or draftsmen at a salary of ninety dollars each per month, one deputy who shall be a stonemason or mason at a salary of ninety dollars per month.

The salaries of the deputies herein provided for shall be paid by said county at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

14. Supervisors, two thousand four hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State Board of Equalization; and provided, further, that there shall be and there being is allowed to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month, one clerk who shall be in charge of miscellaneous records, registration and election matters, at a salary of one hundred and twenty-five dollars per month, one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month, two assistant clerks at salaries of one hundred and fifty dollars each per month, one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month, one clerk as emergency clerk at a salary of one hundred dollars per month, one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month, one clerk at a salary of one hundred and ten dollars per month and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month, forty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist and assist in the work of equalization; and in addition to the clerks heretofore provided for, in years when a general election is held in the State, there shall be and there being is allowed the said board of supervisors sixty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid, and still further provided, that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the State Board of Equalization. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid.

15. In townships having a population of thirty thousand and not more than one hundred thousand, justices of the peace shall receive a salary of two thousand dollars per annum; in townships having a population of fifteen thousand and less than thirty thousand, justices of the peace shall receive a salary of fifteen hundred dollars per annum; in townships having a population of ten thousand and less than fifteen

thousand, justices of the peace shall receive a salary of twelve hundred dollars per annum; in townships having a population of five thousand and less than ten thousand, justices of the peace shall receive a salary of nine hundred dollars per annum; in townships having a population of two thousand and less than five thousand, justices of the peace shall receive a salary of six hundred dollars per annum; in townships having a population of less than two thousand, justices of the peace shall receive a salary of five hundred dollars per annum. *And provided further*, that in townships having a population of more than one hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per annum. All salaries shall be in lieu of all fees due or to become due all justices for the performance of any official act, and such salaries as hereinbefore provided shall be paid in like manner, at the same time, and out of the same funds as county officers are paid by such county. And all fees together with all fines and penalties paid to such justices or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report under oath on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him on the account aforesaid during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to the board of supervisors with the said report.

The board of supervisors of such counties in townships having a population of more than fifteen thousand, may provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; *and provided, further*, that the board of supervisors in such counties may, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices.

For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the Congress of the United States in the year 1910.

16. Constables shall receive the following monthly salaries, to be paid each month and in like manner, at like times and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases, or in actions or proceedings in which the people of the State of California are parties. In townships having a population of three hundred thousand or over, one hundred and fifty dollars per month; in townships having a population of thirty thousand and less than three hundred thousand, one hundred and twenty-five dollars per month; in townships having a population of fifteen thousand and less than thirty thousand, ninety dollars per month; in townships having a population of five thousand and less than ten thousand, sixty dollars per month; in townships having a population of less than five thousand, forty dollars per month. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that the constable shall be allowed all necessary expenses actually incurred in serving any criminal process or pursuing, taking or arresting persons charged with crime, or transporting such persons to or from court or county jail. And all fees collected by such constable on account of services rendered in criminal cases or proceedings in which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *and provided, further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, there shall be and there is hereby allowed to each of the four constables of said township, one deputy, who shall be appointed by the constable and shall receive a salary of one hundred dollars per month, and in townships having a population of thirty thousand and not more than one hundred thousand there shall be and there is hereby allowed to each constable, one deputy, who shall be appointed by the constable and shall receive a salary of fifty dollars per month. Said deputies shall be paid in like manner and at like times and out of the same funds as the county officers are paid. Said deputies so appointed shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases or in actions or proceedings to which the people of the State of California are parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of such county all such fees as may be shown by said report to have been collected by him as aforesaid, and

he shall also transmit the treasurer's receipt for said payment to said board of supervisors with said report.

For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the Congress of the United States in the year 1910.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

Sec. 2. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Hurd, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Bill No. 915.

SECOND READING OF SENATE BILLS.—RESUMED.

Senate Bill No. 968.—An Act to amend section two hundred and sixty-four of the Penal Code, defining the punishment for rape.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the words "not more than fifty years", and insert a period after the word "year".

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1245.—An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title by inserting after the word "America", in the first line, the following: "upon certain conditions and reservations".

Amendment adopted.

Also:

In line 11, Section 1, page 1, after the word "California", strike out the period, and insert in lieu thereof a semicolon and add the following: "provided, that the sum of seven hundred and seventy-five dollars due for taxes thereon be paid to the State Controller before letters patent issue as hereinafter provided; and provided further, that this State reserves the right to serve and execute in said lands, all civil process not incompatible with this section, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND-READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Black, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the general fund in the state treasury.

During second reading of the bill, the following amendments were offered by Senator Finn:

In Section 1, line 5, page 1, of the printed bill, after the word "Francisco", insert the following: "which shall not exceed in the aggregate the sum of fifty thousand dollars per annum and".

Amendment adopted.

Also:

Strike out all of Section 2, after the word "account", in line 8.

Amendment adopted.

Also:

Add two new sections to the bill to be numbered Section 3 and Section 4. Section 3 to read as follows:

"Sec. 3. There is hereby appropriated out of the General Fund in the state treasury the sum of one hundred thousand dollars to be expended in the manner herein specified."

Section 4 to read as follows:

"Sec. 4. The Controller of State is hereby authorized and directed to draw his warrant in favor of the city and county of San Francisco, each month for the amount audited by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Also:

Amend the title by adding thereto after the words "state treasury", the words "and making an appropriation therefor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 166—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00), to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 1, of the title, the words "and fifty".

Amendment adopted.

Also:

Strike out of line 2, of the title, the parentheses, dollar sign and numerals "(\$150,000.00)".

Amendment adopted.

Also:

Strike out of line 3, Section 1, of the printed bill, the words "and fifty" and also the parentheses, dollar sign and numerals "(\$150,000.00)".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of line 2, of the title, the words "San Bernardino Forest Reserve", and insert in lieu thereof the words "Angelos National Forest".

Amendment adopted.**Also:**

Strike out of line 1, Section 1, of the printed bill, the word "ten", and insert in lieu thereof the word "five".

Amendment adopted.**Also:**

Strike out of line 6, Section 1, of the printed bill, the words "San Bernardino Mountains", and insert in lieu thereof the words "Angelos National Forest".

Amendment adopted.**Also:**

Strike out all of Section 3, after the numeral "3", on page 2, of the printed bill, and insert in lieu thereof the following: "of the money herein appropriated the sum of two thousand five hundred dollars shall become available on and after July 1, 1911, and the sum of two thousand five hundred dollars shall become available on and after July 1, 1912."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No 1241—An Act declaring a state highway from the Shasta County line, through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance.

During second reading of the bill, the following amendments were submitted by committee:

Amend Section 1, line 8, of the printed bill, by striking out the period, and inserting in lieu thereof the following: "and shall be designated and known as the Lassen State Highway".

Amendment adopted.**Also:**

Strike out Section 2, and insert in lieu thereof four new sections to be numbered two, three, four and five, to read as follows:

SEC. 2. The said road hereby constituted a state highway is hereby placed under the supervision and control of the Department of Engineering of the State of California.

SEC. 3. The Department of Engineering is hereby authorized to construct, repair and maintain said highway when appropriations are available therefor, and to modify grades thereon wherever necessary.

SEC. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars to be expended under the supervision of said department, for the construction, repair and maintenance of said highway and modification of grades thereon. Of the sum hereby appropriated three thousand dollars thereof shall be available on the first day of July, 1911, and the

remaining two thousand dollars thereof shall be available on the first day of July, 1912.

SEC. 5. The Controller of the State of California is hereby authorized and directed to draw his warrant on the State Treasurer for the said amounts and the State Treasurer is hereby directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Shanahan, the Secretary was directed to issue a rush order for printing Senate Bill No. 1241.

SECOND READING OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 124 (Committee Substitute for)—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 124.

An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, to be used as a storage house for ice and salt meat.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amounts herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect from and after July 1, 1911.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SUSPENSION OF RULES.

Senator Hurd moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

• Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 40854, authorizing the board of supervisors of the several counties of this State to declare unnavigable streams highways for the purpose of fishing, and providing for the use of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 finally passed by the following vote:

AYES—Senators Avey, Bell, Bendsall, Black, Bryant, Cassinetti, Campbell, Curtin, Finn, Gates, Haro, Hewitt, Hoad, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text books in the common schools throughout the State.

MOTION.

On motion of Senator Strobridge, Assembly Constitutional Amendment No. 2 was re-referred to the Committee on Education, to retain its place on file.

LEAVE OF ABSENCE.

Senator Welch was, on motion of Senator Wolfe, granted leave of absence until Tuesday, March 21, 1911.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public building, public work, or property.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 883 finally passed by the following vote:

AYES—Senators Avey, Reban, Bell, Bills, Boynton, Bryant, Burgett, Cassinetti, Campbell, Cassidy, Curtin, Finn, Gates, Haro, Hewitt, Holahan, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Turrell, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 19—Approving fourteen certain amendments to

the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Concurrent Resolution No. 19 ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California, to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 798 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobebridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,' " which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18 and 19, and by adding a new section thereto, to be numbered 26.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1089 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobebridge, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Shanahan moved a call of the Senate.

Motion carried.

Time, three o'clock P. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bills, Birdsall, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Finn, Gates, Hewitt, Holahan, Larkins, Martinelli, Regan, Rossberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and five minutes P. M., Senators Hare and Caminetti were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At three o'clock and six minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tyrrell.

The roll of absentees was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Holahan, Larkins, Martinelli, Regan, Rossberry, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—24.

NOES—Senators Bell, Gates, Hewitt, and Thompson—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER

Senator Wright gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 541 was this day finally passed.

THIRD READING OF ASSEMBLY BILLS—RESUMED

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hare, Hewitt, Holahan, Larkins, Martinelli, Regan, Rossberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of life and limb of workmen

employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.", approved March 6, 1909.

Read third time.

On motion of Senator Burnett, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 28—An Act to provide for the enlargement and alteration of the state pathological laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 649—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Also: Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Also: Committee Substitute for Senate Bill No. 1030—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Also: Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 28, 37, 625, 649, 966, 1018, 1019, Committee Substitute for Senate Bill No. 1030, and Senate Bill No. 1237, ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 672—An Act to increase the number of judges of the superior court of the county of Kern, and to provide for the appointment of an additional judge.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafés, hotels and confectioneries, and for the issuance of licenses for such

business and for the sanitary conditions of bakeries and ice-cream parlors, cafes, hotels and restaurants.

Also Assembly Bill No. 74—An Act to add a new section to the Code of Civil Procedure to be known as Section 740, relating to the publication of notices of sales by trustees under deeds of trust.

Also Assembly Bill No. 108—An Act to add a new section to the Penal Code of the State of California to be known as Section 1026, relating to false statements regarding financial condition of individuals and persons seeking credit for the purpose of obtaining the same, and punishing the guilty therefor.

Also Assembly Bill No. 109—An Act to amend a statute relating to the rights to permits for the procurement and management of the same, and to make an appropriation therefor.

Also Assembly Bill No. 187—An Act to provide for the purchase by the State of California of the money building and school located on the lot of San Diego, and making an appropriation therefor.

Also Assembly Bill No. 1029—An Act to appropriate money for the purpose of erecting the structure to be known as a public museum, situated on the building of a national monument of the Federal Government of the Republic in this State to be held in 1912.

Also Assembly Bill No. 702—An Act amending Section 204 of the Penal Code, fixing the punishment for rape.

Also Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to elections and loss of offices of members of the thirteenth class.

Also Assembly Bill No. 1182—An Act to amend Section 142 of the Political Code of the State of California, and to add a new section, known as Section 162.

Also Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 1245 of the Political Code of the State of California, providing for the salaries and fees of officers and public officers, in relation to the thirteenth class.

Also Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to election of officers of members of the thirteenth class.

Also Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections, known as Sections 1266 and 1267, and relating to felonies.

Also Assembly Bill No. 1568—An Act to amend Section 802 of an Act entitled "An Act to provide for the appointment, management and government of municipal corporations," approved March 1, 1888.

Also Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers and members of the thirteenth class.

Also Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers and members of the thirteenth class.

Also Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the presentation of matters to negotiate the mode of making assessments, or of raising a money loan.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 8, 74, 168, 256, 287, 1029, 702, 111, 1182, 1093, 1324, 1536, 1568, 1569, 1570, and Committee Substitute for Assembly Bill No. 1074 read first time.

Assembly Bills Nos. 702, 74, 168, 1324, and 1570 ordered referred to Committee on Judiciary.

Assembly Bill No. 8 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 256, 287, and 1029 ordered referred to Committee on Finance.

Assembly Bills Nos. 1093, 1568, 1569, 111, and Committee Substitute for Assembly Bill No. 1074 ordered referred to Committee on County Government.

Assembly Bill No. 1536 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 1182 ordered referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed a Committee on Conference, consisting of Messrs. Stevenot, Wilson and Kehoe, to consider the amendment to Assembly Bill No. 643—An Act

to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts, now in force, relating to estrays, approved March 23, 1901."

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 11—An Act establishing a state normal school, at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

Also: Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof; "and repealing an Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905.'"

Also: Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 11?"

On page 2, Section 3, line 5, after the word "years", strike out the period (.), and insert in lieu thereof a semicolon, and the following: "provided, that no money shall be expended for said school until the site selected has been conveyed by a deed in fee simple to the State of California."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 11 by the following vote:

AYES—Senators Beban, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, and Wolfe—25.

NOES—None.

Senate Bill No. 11 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 720?"

On page 1, line 7, of the title, after the word "hereof", insert a semicolon and the following: "and repealing an Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905.'"

Also: On page 3, after Section 7, add a new section to be numbered and to read as follows:

"SEC. 8. An Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905,' is hereby repealed."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 720 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 720 ordered to enrollment.

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 904?"

On page 1, Section 1, line 3, after the word "and," insert the word "incorporate."

Also, On page 1, Section 1, line 7, after the comma after the word "proceeding," insert the following: "a group of."

Also, On page 1, Section 1, line 12, after the word "newspaper," insert the words "of general circulation."

Also, On page 1, Section 1, line 13, strike out the period after the word "newspaper," and insert in lieu thereof the words "of general circulation."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 904 to the following vote:

AYES: Senators Ayes, Baines, Bell, Bell, Birkhead, Bowers, Bryant, Campbell, Campbell, Carraway, Carter, Curtis, Davidson, Green, Hans, Harp, Howell, Hunt, Hunt, Hunt, Larkins, Matthews, Rogers, Rosenthal, Stevens, Strongsville, Thompson, Tyrrell, W. W. and Wright. 29.

NOES: None.

Senate Bill No. 904 ordered to enrollment.

PETITIONS

The following petitions were presented, and ordered printed in the Journal:

RESOLUTION IN BE ASSISTANCE OF SOUTHERN LIME LAW

LOS ANGELES, CALIFORNIA, March 15, 1911.

WHEREAS, Through the mediation of this chamber a conference was had on March 14, 1911, between representatives of the Los Angeles Southern Lime Law Committee and their associates, the Maritime Law Association, the Directors Exchange and members of the Law Commission on the Chamber of Commerce, with the view of effecting modifications of Assembly Bill No. 278, amending the Southern Lime Law; and

WHEREAS, A resolution was passed at said conference setting that, owing to the shortness of time and the great business to be transacted, the amendments suggested by the Chamber of Commerce to make a revision of the Legislature by appointing a commission to take the whole matter of the Southern Lime Law under consideration and report such amendments by the next session as it may deem necessary and proper, therefore, be it

Resolved by the Board of Directors of the Chamber of Commerce, That such request be hereby made to the Senate and Assembly that they will cause copies of the Southern Lime Law to be distributed to the Southern California delegation in the Senate and Assembly and to the Southern California delegation in the Legislature.

I hereby certify that the above is a true and correct copy of the resolution adopted by the Board of Directors of the Los Angeles Chamber of Commerce at the regular meeting held March 15, 1911.

[SEAL]

JAMES STALSON, President.

FRANK WIGGINS, Secretary.

Also:

SAN FRANCISCO, CAL., March 17, 1911.

To the Honorable Lieutenant Governor and Senators, State of California:

GENTLEMEN: At a regular meeting of Lincoln Post, No. 1, G. A. R., the following was passed by unanimous vote:

Resolved, That Lincoln Post heartily indorses the Senate bill appropriating \$25,000.00 for a state monument on the grounds at Anzac, Lincoln, to be placed in Lincoln Park. A monument so erected and dedicated will be a tribute of love and affection from the people of California, and will stand for future generations to look upon as a model for the highest type of American citizenship.

Let California lead the way in this direction, to the end that every State in the American Union shall have within its borders a state memorial to him who lived for freedom and died for humanity.

Respectfully submitted for your consideration.

C. J. HANDLEY, Adjutant.

THIRD READING OF ASSEMBLY BILLS.—RESUMED.

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund,

in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1195 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes and underground rooms, chambers and excavations, used to contain, encase, cover or conduct wires, cables or appliances to conduct, carry or handle electricity, and providing the punishment for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Avey, as a special committee of one, to amend as follows:

By striking out of Section 1, line 6, the words "Commissioner of the Bureau of Labor Statistics", and inserting in lieu thereof the "State Board of Health".

Also: By striking out of Section 1, lines 12 and 13, the words "Commissioner of

the Bureau of Labor Statistics, and inserting in and thereof the "State Board of Health."

Also By striking out Section 3, and inserting in lieu thereof the following:

"Sec. 3. It shall be the duty of the State Board of Health to enforce the provisions of this Act, and it may and upon legal advice of health and health officers, for assistance, and it shall be the duty of all houses and offices so ordered, upon the receipt of assistance to render the same. It shall furthermore be the duty of said State Board of Health to transmit each data to the Commissioner of the Bureau of Labor Statistics."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1028, with instructions to amend, respectfully reports the same back, amended as per instructions.

AYES, Committee.

Report of special committee of one, and amendments adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 841.—An Act to amend sections twelve hundred and forty five, twelve hundred and forty six and twelve hundred and forty eight of the Civil Code of the State of California relating to proceedings on execution against landowners.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 finally passed by the following vote:

AYES.—Senators Avey, Butler, Bill, Blyden, Burton, Bryant, Chamberlaine, Campbell, Carraquillo, Cassady, Cawley, Connelley, Curren, Hanks, Hays, Hedges, Hord, Larkin, Marshall, Regan, Roseberry, Stanger, Stewart, Swenson, Thomsen, Tyrell, and Wallin, 27.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1292.—An Act to amend section seven hundred and ninety three of the Political Code of the State of California relating to holders of certificates eligible to teach.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Regan as a special committee of one, to amend as follows:

By striking out of Section 1, page 2, of the bill and that all of laws 16, 17, 18, 19, and 20.

Also By striking out the figure "1", in line 21, page 2 of the general bill.

Also By striking out Section 2.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1292, with instructions to amend, respectfully reports the same back, amended as per instructions.

REGAN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Senate Bill No. 1293.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 974 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

On motion of Senator Holohan, Assembly Bill No. 571 was temporarily passed on file, to retain its place.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 944 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Read third time.

On motion of Senator Bryant, Assembly Bill No. 945 was temporarily passed on file, to retain its place.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 finally passed by the following vote:

AYES.—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Cawley, Curtin, Eastwold, Finn, Goss, Hewitt, Hurd, Larkins, Martinelli, Rogers, Roseberry, Sanford, Shanahan, Stenson, Strobridge, Thompson, and Wright. 20.
NOES.—Senator Avey. 1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION

Senator Strobridge moved that the Senate call up all county government bills on the third reading file of Assembly bills for consideration, out of order.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1553 for consideration, out of order.

Assembly Bill No. 1553.—An Act to amend Section 4704 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1553 finally passed by the following vote:

AYES.—Senators Avey, Roban, Bell, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cawley, Goss, Hewitt, Holahan, Hurd, Larkins, Martinelli, Rogers, Roseberry, Sanford, Strobridge, Stenson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright. 27.
NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Roseberry asked for, and was granted, unanimous consent to take up Assembly Bill No. 1284 for consideration, out of order.

Assembly Bill No. 1284.—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1284 finally passed by the following vote:

AYES.—Senators Avey, Roban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cawley, Eastwold, Finn, Goss, Hewitt, Holahan, Hurd, Larkins, Martinelli, Roseberry, Sanford, Shanahan, Stenson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright. 29.
NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1555 for consideration, out of order.

Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1555 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 1560 for consideration, out of order.

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1560 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Assembly Bill No. 1557 for consideration, out of order.

Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twenty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1557 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hase, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Birdsell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1302 for consideration, out of order.

Assembly Bill No. 1302.—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class and adding a new section thereto to be numbered 4223a.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1302 finally passed by the following vote:

AYES.—Senators Bogan, Bill, Biss, Burdick, Burrows, Bryant, Campbell, Cassidy, Eschbacher, Fiske, Gates, Hill, Hutton, Hunt, McHenry, Rogers, Roschberry, Sanford, Shattuck, Stetson, Stranahan, Thompson, Tyrrell, Walker, Wolff, and Wright—26.
 NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Martinelli asked for, and was granted, unanimous consent to take up Assembly Bill No. 1180 for consideration, out of order.

Assembly Bill No. 1180.—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1180 finally passed by the following vote:

AYES.—Senators Aiken, Bogan, Bill, Biss, Burdick, Bryant, Campbell, Cassidy, Eschbacher, Fiske, Gates, Hill, Hutton, Hunt, Martinelli, Rogers, Roschberry, Sanford, Shattuck, Stranahan, Thompson, Tyrrell, Walker, Wolff, and Wright—27.
 NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT, Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1422—An Act to amend Section 14 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1909, and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Also, Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Also, Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide

for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HURD, Chairman.

Assembly Bills Nos. 1122 and 1508 ordered on file for second reading.
Senate Bill No. 532 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599*g*, relating to the subject of cruelty to animals—have had the same under consideration, and respectfully report the same back without recommendation.

WALKER, Chairman.

Assembly Bill No. 793 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Also: Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

BEBAN, Chairman.

Assembly Bills Nos. 1214 and 1217 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 1385 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 1203—An Act relating to bucket shops, and defining the same, and to prohibit dealing in futures and gambling in the necessities of life and other commodities—have had the same under consideration, and respectfully report the same back without recommendation.

BELL, Chairman.

Senate Bill No. 1203 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 111—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 111 ordered on file for second reading.

MOTION.

Senator Caminetti moved that Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 118 *a*, 1209, and 1393a of said Code, all relating to the liens of mechanics and others—be recalled from point, for the purpose of amendment.

Motion duly seconded.

Motion lost.

CONSIDERATION OF THE BILL.—[OUT OF ORDER.]

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bill No. 1207 for consideration, out of order.

Assembly Bill No. 1207—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1207 finally passed by the following vote:

AYES—Senators Avey, Brown, Bull, Hills, Briggs, Brannon, Bryant, Campbell, Cartwright, Cassidy, Estabrook, Foss, Gates, Hays, Hewitt, Houston, Jackson, Regan, Roseberry, Sanford, Shattuck, Smith, Thompson, Walker, Wells, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Shanahan moved that the Senate call up all county government bills on the third reading file of Senate bills for consideration, out of order.

Motion carried.

CONSIDERATION OF BILL.—[OUT OF ORDER.]

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1043 for consideration, out of order.

Senate Bill No. 1043—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers of counties of the twenty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1043 passed by the following vote:

AYES—Senators Avey, Brown, Bull, Bull, Burdick, Bryman, Bryant, Campbell, Cartwright, Cassidy, Estabrook, Foss, Gates, Hays, Hewitt, Houston, Jackson, Regan, Roseberry, Shanahan, Smith, Thompson, Tynnell, Walker, Wells, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1042 for consideration, out of order.

Senate Bill No. 1042—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1042 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1283 for consideration, out of order.

Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1283 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Senate Bill No. 948 for consideration, out of order.

Senate Bill No. 948—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 948 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Holohan, Larkins, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobebridge, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL.—OUT OF ORDER.

Senator Avey asked for, and was granted, unanimous consent to take up Senate Bill No. 1278 for consideration, out of order.

Senate Bill No. 1278.—An Act to amend section four thousand two hundred thirty three of the Political Code of the State of California, relating to counties of the eighth class.

Read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1278 passed by the following vote:

AVES. Senators Aves, Bickel, Blum, Bush, Russell, Byrd, Bryant, Cawthon, Campbell, Carter, Chiles, Claitor, Conrad, Fannin, Harris, Hartsell, McCall, Rogers, Roseberry, Sanford, Scarborough, Starnes, Thompson, Turrentine, Wicker, and Wright. 26

1911

Title read and approved

Bill ordered transmitted to the Assembly.

CONJUGATION OF FULL-LENGTH gp120

Senator Sanford asked for and was granted unanimous consent to take up Senate Bill No. 974 for consideration out of order.

Senate Bill No. 974. An Act to amend section four thousand two hundred and seventy six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No. 274 passed by the following vote:

AYES. SARGENT, ALEX. BROWN, BELL, B. JAMES, BUCKLEY, C. GEORGE, CAMPBELL, CART-
WRIGHT, CROSBY, DUNN, FLEMING, HARRIS, HENNING, HERRING, MARSHALL, RICE, ROSS,
BERRY, WATSON, ZIMMERMAN, ZIMMERMAN, T. S. GAY, TAYLOR, WOOD, and WRIGHT. 2

1000 1000

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Boynton asked for and was granted, unanimous consent to take up Senate Bill No. 1280 for consideration, out of order.

Senate Bill No. 1280.—An Act to amend Section 4248 of the Political Code of the State of California relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1280 passed by the following vote:

AYES.—Senators Avey, Bolan, Bol, B's, Bowyer, Caminetti, Campbell, Cassidy, Estrada, Finn, Gates, Hawley, Hildan, Marston, Quinn, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrell, Walker, Wolfe, and Wright—25.

None - None

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bill No. 1295 for consideration, out of order.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1295 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Boynton, Bryant, Caminetti, Campbell, Estudillo, Finn, Gates, Hewitt, Holohan, Larkins, Martinelli, Regan, Roscherry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Gates asked for, and was granted, unanimous consent to take up Senate Bill No. 1083 for consideration, out of order.

Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of two additional superior court judges in Los Angeles County, and providing for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1083 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to take up Senate Bill No. 217 for consideration, out of order.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California, as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California, and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14,

contracts; the purchase and distribution of supplies: the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, page 1, the word "thirty-four", and inserting in lieu thereof the word "thirty-eight".

Also: Amend title by striking out of line 10, after the word "duties", the comma, and inserting a semicolon.

Also: In line 59, page 5, strike out of printed bill, the word "or", and insert "of".

Also: In line 20, page 7, strike out of printed bill, the word "as", and insert "an".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Committee Substitute for Assembly Bill No. 515, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL. (OUT OF ORDER).

Senator Beban asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 48 for consideration, out of order, for the purpose of amendment.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

The following amendment was offered by Senator Beban:

On page 2, lines 43 and 44, strike out the comma and the words "including the superintendent of schools,".

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Senate Bill No. 430 for consideration, out of order.

Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 430 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Cutten, Gates, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL — OUT OF ORDER

Senator Ralls asked for, and was granted, unanimous consent to take up Assembly Bill No. 1475 for consideration, out of order.

Assembly Bill No. 1476.—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1475 (Hatch) passed by the following vote:

AVES.—Swains Ave., Bell Pitt, Plover, Ring-necked Gull, Curlew, Great
Cut-throat, Green Heron, Hawk, Kingbird, Hawk, Macmillan Eagle, Horned Lark,
Shoreland Sparrow, Parula, Tyrannulet, Wren, Wren, and Wren. 27

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Title read and approved

Bill ordered transmitted to the Assembly.

CONSIDERATION OF THE EFFECTS OF OCEANIC...

Senator Bills asked for, and was granted, unanimous consent to take up Assembly Bill No. 1476 for consideration, out of order.

Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp-land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1476 finally passed by the following vote:

AYES. Senators Ayer, Bell, Bliss, Brewster, Brewster, Chandler, Cartwright, Chase, Cullen, Fessenden, Gibbs, Hays, Howell, Hurlbut, May, Merrill, Ransom, Ross, Sanford, Sherman, Stearns, Thurston, Thompson, Tilton, Walker, Wells, and Wright. 26

1205 1206

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 1281 for consideration, out of order.

Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the **general fund for road repairs.**

Read third time.

On motion of Senator Roseberry, Senate Bill No. 1281 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1343 for consideration, out of order.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1343 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Gates, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1349 for consideration, out of order.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said government.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1349 finally passed by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1345 for consideration, out of order.

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools and making an appropriation to carry out the provisions hereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1345 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Finn, Gates, Hans, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL - OUT OF ORDER

Senator Cullen asked for, and was granted, unanimous consent to take up Senate Bill No. 1279 for consideration, out of order.

Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1279 passed by the following vote:

AYES—Senators Ames, Brown, Bell, Ellis, Ferguson, Brown, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Elton, Evans, Gates, Hewitt, Howell, Howland, Howland, Martinelli, Rogers, Roseberry, Sanford, Shattuck, Shattuck, Shattuck, Thompson, Farrell, Walker, Wolfe, and Wright—28.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL - OUT OF ORDER

Senator Cullen asked for, and was granted, unanimous consent to take up Assembly Bill No. 277 for consideration, out of order.

Assembly Bill No. 277—An Act to amend Section 1429 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 finally passed by the following vote:

AYES—Senators Brown, Bell, Ellis, Ferguson, Brown, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Elton, Gates, Howland, Howland, Howland, Martinelli, Rogers, Roseberry, Sanford, Shattuck, Shattuck, Shattuck, Thompson, Farrell, Walker, Wolfe, and Wright—29.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL - OUT OF ORDER

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 2 for consideration, out of order.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 finally passed by the following vote:

AYES—Senators Bolan, Bell, Ellis, Boynton, Brown, Caminetti, Campbell, Cartwright, Cassidy, Cullen, Elton, Evans, Gates, Howland, Howland, Howland, Martinelli, Rogers, Roseberry, Sanford, Shattuck, Shattuck, Shattuck, Thompson, and Wolfe—24.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Cartwright was, on his own motion, granted leave of absence until Monday, March 20, 1911, at eleven o'clock A. M.

SENATOR WOLFE IN THE CHAIR.

At five o'clock P. M., Senator Wolfe, of the Twenty-first District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 159 for consideration, out of order.

Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Boynton, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Stetson, Thompson, Tyrrell, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 27 for consideration, out of order.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Boynton, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Martinelli, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 25 for consideration, out of order.

SENATE JOINT RESOLUTION No. 25.

Relative to election of Senators of the United States by a direct popular vote.

Resolved by the Senate of the State of California and the Assembly, jointly, constituting the Legislature of the State of California, That the Legislature of the State of California does hereby make application to the Congress of the United

States to call on the common sense of a constitutional interpretation of the power of the United States for the purpose of obtaining, but without any intention to the Constitution of the United States, gathering the diverse points to provide the aid for the creation of Senators in the United States by a direct popular vote.

Resolved, That said committee advise of these resolutions to duly and promptly presented to the Senate and House of Representatives, constituting the Congress of the United States.

Senate joint resolution, read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 25 adopted by the following vote:

AYES—Senators Behan, Bell, Bess, Beyer, Cameron, Campbell, Cassin, Cotten, Estabill, Fann, Foster, Hays, Howell, Phillips, Marshall, Joseph, Rossmore, Sanford, Stanford, Stearns, Strong, Thompson, Tyrrell, and Walker, 14.

NOES—None.

Senate Joint Resolution No. 25 ordered engrossed, and transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, MARCH 17, 1911.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred the following

Senate Bill No. 451—An Act granting certain submerged and overgrown and tide lands of the State of California to the city of Oakland.

Also, Senate Bill No. 874—An Act to amend an Act entitled "An Act to provide for the appointment of judges, and defining their duties and compensation at the Port of Wilmington and the bay of San Pedro."

Also, Senate Bill No. 445—An Act granting to the city of Los Angeles, in consideration of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Also, Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Also, Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also, Committee Substitute for Assembly Bill No. 998—An Act relating to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control in the interests of commerce and navigation.

Have had the same under consideration and report as follows:

We advise that Senate Bill No. 445, relative to the tide and submerged lands of San Pedro harbor, be referred to a special committee of one to be amended as per the enclosed amendments marked "Amendments to Senate Bill No. 445," and as amended it do pass.

We further advise that Senate Bill No. 399, and Senate Bill No. 451, relating to the tide and submerged lands of Oakland harbor, be referred to a special committee of one to be amended as per enclosed amendments, marked "Amendments to Senate Bill No. 399," and "Amendments to Senate Bill No. 451," and as amended they do pass.

We further recommend that Senate Bill No. 1246, relating to Long Beach tide lands, do pass as amended.

We further recommend that the Committee Substitute for Assembly Bill No. 998, relating to tide lands and navigable waters of San Diego Bay, and Senate Bill No. 874, do pass.

STETSON, Chairman.

POINT OF ORDER.

Senator Shanahan raised the point of order that the bills named in the above report had been referred to a sub-committee by the Committee on Judiciary, that said sub-committee had not filed any report, and had not been discharged by the Committee on Judiciary, and that therefore the bills were still in the custody of the sub-committee.

RULING ON POINT OF ORDER.

The acting President ruled the point of order not well taken, as permission had been granted the Committee on Judiciary to file its report, out of order.

NOTICE OF MINORITY REPORT.

Senator Caminetti asked for, and was granted, unanimous consent to file a minority report.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetsen asked for, and was granted, unanimous consent to take up Senate Bill No. 399 for consideration out of order, for the purpose of amendment.

Senate Bill No. 399 -An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

Amend the title to read as follows:

"An Act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom to the city of Oakland, and regulating the management, use and control thereof."

Also Strike out all following the enacting clause and insert in lieu thereof the following:

"SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all the salt marsh and tide lands in the present city of Oakland lying and being southerly from the southern line of East Fourteenth street in said city of Oakland, and easterly from the eastern limits of the former town of Oakland (as said easterly limits of said town are described in the Act of the Legislature of the State of California, entitled "An Act to incorporate the town of Oakland and to provide for the construction of wharves thereat," approved May 4th, 1852, and as said eastern limits of said town are determined and defined by the Supreme Court of the State of California, in the action entitled "*City of Oakland vs. Oakland Water Front Company*," decided by said court September 13, 1897") and the right to wharf out therefrom, to be forever held by said city and by its successors in trust for the uses and purposes and upon the expressed conditions following, to wit:

That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases or of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for a belt line railroad where the same may be deemed necessary by the said city, and such other reservations as the city may require, and for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided*, how-

over, that each person, firm or corporation of their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Oakland lying and being southerly from the southern line of East Fourteenth street in said city of Oakland and easterly from the eastern limits of the former town of Oakland as heretofore first described, and lying and being westerly from the easterly boundary line of the city of Oakland as it existed in A. D. 1868, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges thereon with a right of renewal for a further term of twenty-five years provided no provision of this Act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of one year (year) has or has not refused to renew the same or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Upon obtaining such lease and wharfing out privileges such persons, firms or corporations, their heirs or assigns, estate, successors or said city and right they or any of them may now or hereafter have in the said lands hereby granted.

This grant shall carry the right to such use of the wharves, piers and profits in any manner hereinafter arising from the lands or wharfing out privileges hereby granted.

The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, wharfs and other improvements constructed on said lands at any part thereof for the vessel or other means craft, or railroad, owned or operated by the State of California.

No discrimination in rates, tolls or charges be so levied for any use or service in connection therewith shall ever be made, without or without the approval of said city or its successors in the management, subject to approval of any of the officers, structures or appliances mentioned in this section.

There is hereby accepted in the people of the State of California the right to fish in the waters on which said lands and wharves are situated with the right of navigation across to said waters over said lands for said purpose.

SEC. 2.—This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one to whom was referred Senate Bill No. 249, with instructions to report, respectfully reports the same back, amended as per instructions.

TYRRELL, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and recommitment.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Wright asked for and was granted unanimous consent to take up Senate Bill No. 445 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 445.—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Hewitt, as a special committee of one, to amend as follows:

On page 1, lines 2 and 3, of the title, after the words "Los Angeles," strike out the comma and the following: "in confirmation of the charter of said city."

Also On page 1, strike out all of Section 1, and insert in lieu thereof the following:

"SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the

Pacific Ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit:

(a) That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor;

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors;

Reserving, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purposes."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 445, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and reëngrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted, unanimous consent to take up Senate Bill No. 451 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Tyrrell moved to refer to Senator Stetson, as a special committee of one, to amend as follows:

"An Act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all tide lands and submerged lands, whether filled or unfilled, which are included within that portion of the city of Oakland that lies westerly of the western line of Pine street, as Pine street exists between Atlantic street and Goss street and as shown upon that certain map entitled "Map of land on Oakland point (railroad ferry landing) city of Oakland, Tract 406" filed May 24, 1864, in book of maps 5, page 33, records of Alameda County, and said western line of Pine street

produced northwesterly and northerly, extending seaward from said tide lands and submerged lands south of said lands as to southerly of the northern boundary line of the city of Oakland, and the nearest common boundary, as said northern boundary line was established by an Act of the Legislature of the State of California, entitled, "An Act to amend an Act entitled An Act to incorporate the city of Oakland, passed March thirtieth, 1854, and amending certain acts, Acts to amend, to said acts," approved April 24, 1860, as the same may be and by its successors, in trust for the uses and purposes and upon the expressed conditions following, to wit:

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereof of wharves, docks, piers, slips, quays and other aquatic structures and appliances necessary or convenient for the navigation and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, lease, give or give said lands or any part thereof, to any individual, firm or corporation for any purpose whatsoever, provided, that said city or its successors may grant franchises, licenses, or limited permits for ferries and other public uses and purposes, and may lease and lease, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

(b) That said harbor shall be regulated by said city without express to the State, and shall otherwise possess a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or the portion thereof, for the use of any water craft, or commerce, owned or operated by the State of California.

(c) That in the establishment, conduct or operation of said harbor, or of any of the aquatic structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges of any kind or nature for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, forever to the State of California the absolute right to take in the waters of said harbor with the right of navigation vessels to said waters near said land for said purposes.

SEC. 2. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, in whom was referred Senate Bill No. 451, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and recommitment.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Thompson asked for, and was granted, unanimous consent to take up Senate Bill No. 1246 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

During second reading of the bill, the following amendment was submitted by committee:

Strike out all of Sections 1 and 2, of the printed bill, and insert in lieu thereof the following:

"SECTION 1. There is hereby granted to the city of Long Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all the tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific Ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor;

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors;

Reserving, however, in the people of the State of California the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purpose."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Stetson moved that Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889—be ordered on file for second reading.

Motion carried.

MOTION.

Senator Stetson moved that Assembly Bill No. 998—An Act ceding to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control in the interests of commerce and navigation—be ordered on file for second reading.

Motion carried.

THIRD-READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Holohan, the third-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 450—An Act to provide for the construction of a hospital building or buildings at the Los Angeles Department of the College of Medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Avey, Reban, Bills, Boynton, Bryant, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Hobbs, Head, Larkins, Marshall, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent and use temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Avey, Reban, Bills, Boynton, Bryant, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Hobbs, Head, Marshall, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 197 passed by the following vote:

AYES—Senators Avey, Reban, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Hobbs, Head, Larkins, Marshall, Regan, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 172 for consideration, out of order.

Assembly Bill No. 172—An Act appropriating five thousand dollars

for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 172 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cassidy asked for, and was granted, unanimous consent to take up Assembly Bill No. 1142 for consideration, out of order.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1142 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bryant asked for, and was granted, unanimous consent to take up Assembly Bill No. 945 for consideration, out of order.

Assembly No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 945 finally passed by the following vote:

AYES—Senators Avey, Beban, Bills, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1546 for consideration, out of order.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the members of the Assembly for the thirty-

ninth session of the Legislature of the State of California during the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1546 finally passed by the following vote:

AYES—Senators Allen, Baker, Biss, Brown, Brown, Chandler, Connelley, Cotten, Escobillo, Fitch, Gamm, H. Hill, Hendon, Hinch, Jackson, Macomber, Rogers, Rosbury, Stanton, Stenerson, Thompson, Tupper, Webb, and White, 21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 795—An Act to specially tax water returned to the cities of San Francisco and Los Angeles under the heading and subheading of the State Labor Commission, and providing for the adjustment of the interests of farmers and workshops, and making an appropriation for the same, do hereby report the same back.

Also, Assembly Bill No. 1392—An Act authorizing and directing the Governor of the Bureau of Labor Statistics to prepare a report to deliver to the Senate imposed upon said Commissioner upon Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof, presenting his duties, providing for his compensation, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 795 and 1392 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1016 from the Committee on Agriculture, Dairying, Poultry and Vine Investments—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor, have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bill No. 1016 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CUTTEN, Chairman.

Assembly Bill No. 381 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1536—An Act to amend Section 862 of an Act providing for the regulation, incorporation and government of municipal corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HURD, Chairman.

Assembly Bill No. 1536 ordered on file for second reading.

PETITION.

Senator Finn presented the following resolutions, which were ordered printed in the Journal :

RESOLUTION No. 7486 (New Series).

WHEREAS, The subject of a fair reapportionment of the State into senatorial and assembly districts is a matter of supreme importance to the city and county of San Francisco; and

WHEREAS, A bill pending in the Legislature known as the "Randall Bill" provides that the city and county shall be divided into ten assembly and six senatorial districts, which is grossly disproportionate to its population and to that of the State; and

WHEREAS, Another measure known as the "Welch-Walker Bill" provides that the city and county shall be divided into sixteen assembly and eight senatorial districts, which is a just recognition of its claims; therefore, be it

Resolved, That the board of supervisors hereby protests against the passage of the bill proposed in the Legislature by Assemblyman Randall as being unjust, unfair and unworthy of the support of reasonable men; that on the contrary, the so-called "Welch-Walker Bill" is eminently just and deserves the support of those who are fair-minded, and we request the members of the Legislature to enact the same.

CLERK'S CERTIFICATE.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

I, W. R. Hagerty, clerk of the board of supervisors, of the city and county of San Francisco, do hereby certify that the annexed resolution is a full, true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the official seal of the city and county this fourteenth day of March, 1911.

[SEAL]

W. R. HAGERTY.

Clerk of the Board of Supervisors, City and
County of San Francisco.

Also:

RESOLUTION No. 7485 (New Series).

WHEREAS, A bill is pending in the Legislature of the State of California, known as Senate Bill No. 1256, authorizing cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and counties to issue and sell their bonds to create a fund for such improvement, repairs, maintenance or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purpose; therefore, be it

Resolved, That the board of supervisors hereby approves the purpose of said bill and requests the members of the Legislature from the city and county of San Francisco to use their best endeavors to secure its enactment.

CLERK'S CERTIFICATE.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

I, W. R. Hagerty, clerk of the board of supervisors, of the city and county of San Francisco, do hereby certify that the annexed resolution is a full, true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the city and county this fourteenth day of March, 1911.

[SEAL]

Clerk of the Board of Supervisors, City and
County of San Francisco.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Martinelli asked for, and was granted, unanimous consent to take up Senate Bill No. 1049 for consideration, out of order.

Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1042 passed by the following vote:

AYES—Senators Avey, Roban, Rola, Reardon, Brumba, Cassidy, Carter, Ferguson, Finn, Gates, Hewitt, Hobbins, Huff, Larkins, Maffett, Rogers, Rosseter, Stinson, Strobridge, Thompson, Turner, Wolfe, and Wright—20.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock and fifteen minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER.)

Senator Bills asked for, and was granted, unanimous consent to take up Assembly Bill No. 519 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

Strike out the title of the printed bill, and insert in lieu thereof the following:

"An Act to establish a state highway from the town of Folsom, in Sacramento County, California, to, and with the western terminus of Lake Tahoe wagon road, a state highway, at Smith's Flat, in the county of El Dorado, California, via Shingle Springs, El Dorado and the city of Placerville, to define its course, to provide for its supervision, location, survey, construction, repair and maintenance, and to make an appropriation therefor."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "and", and on the same line after the word "constructing", insert the words "repairing and maintaining".

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the word "road", insert the words "via Shingle Springs and El Dorado".

Amendment adopted.

Also:

On page 1, Section 1, lines 7 and 8, strike out the words "over the boundary line of Placerville", and insert in lieu thereof the word "on".

Amendment adopted.

Also:

On page 1, Section 1, line 8, strike out the comma after the word "road".

Amendment adopted.

Also:

On page 1, Section 1, line 8, after the word "to", insert the words "connect with".

Amendment adopted.

Also:

On page 2, Section 2, line 1, after the word "be", insert the words "and established".

Amendment adopted.

Also:

On page 2, Section 2, line 3, strike out the following: "State Engineer, or the State Engineering Department", and insert in lieu thereof "Department of Engineering of the State of California."

Amendment adopted.

Also:

On page 2, Section 2, line 4, strike out the following: "Engineer, or said State Engineering". On same line, strike out the comma after the word "Department".

Amendment adopted.

Also:

On page 2, Section 2, lines 4 and 5, strike out the words "at once".

Amendment adopted.

Also:

On page 2, Section 2, line 6, strike out the words "may be", and insert in lieu thereof the words, "appropriations are available therefor,".

Amendment adopted.

Also:

On page 2, Section 2, line 7, strike out the words "securing the right of way for, and".

Amendment adopted.

Also:

On page 2, Section 2, line 8, after the letters "structing", insert a comma and also the words, "repairing and maintaining".

Amendment adopted.

Also:

On page 2, Section 2, line 8, after the word "said", insert the word "State".

Amendment adopted.

Also:

Following Section 2, of the printed bill, insert a new section, to be numbered Section 3 and to read as follows:

"SEC. 3. The Controller of the State of California is hereby authorized and directed to draw his warrant on the State Treasurer for the sum appropriated by this Act in such sums and at such times as required, in favor of the Department of Engineering, and the State Treasurer is hereby directed to pay the same."

Amendment adopted.

Also:

In Section 3, of the printed bill, strike out the letters and figure "Sec. 3.", and insert in lieu thereof "SEC. 4."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

QUESTION OF PERSONAL PRIVILEGE.

Senator Caminetti arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I hereby withdraw my request to be permitted to file a minority report on what is known as "The Tide Land Bills." This request is made only for myself.

PRESENTATION OF BILLS, ETC.

Senator Cutten offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES

SENATE CHAMBER, SACRAMENTO, March 18, 1911

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 1073—An Act to amend Section 4796 of the Penal Code—have had the same under consideration, and respectfully report the same back, with favorable recommendation.

FINN, Chairman.

Senate Bill No. 1073 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1074—An Act to amend Section 4244 of the Political Code of the State of California, providing for the salaries and fees of public officers by counties of the fifteenth class.

Also, Assembly Bill No. 1550—An Act to amend Section 4249 of the Political Code of the State of California, relating to county officers and their salaries and deputies, to township officers and their compensation, and to compensation of jurors and grand jurors in counties of the twentieth class.

Also, Assembly Bill No. 1568—An Act to amend Section 4260 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Also, Assembly Bill No. 1569—An Act to amend Section 4270 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 1074, 1550, 1568, and 1569 ordered on file for second reading.

PRESENTATION OF BILLS, ETC.

Senator Gates offered, and sent to the desk for introduction, a constitutional amendment.

Senate constitutional amendment ordered referred to Committee on Introduction of Bills.

MESSAGES FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Stetson, the following messages from the Governor were taken up:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, March 17, 1911.

To the Senate of the State of California:

I return you herein Senate Bill No. 260, entitled "An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seammell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund", without my approval.

I favor by the State the payment of its proportion of the maintenance of the fire boats referred to in this bill. I have found upon investigation, however, that the harbor fund out of which this maintenance is to be paid is in such condition that it can not be charged with the sums required for maintenance, salaries, etc., of the fire boats. For this reason, and this alone, I veto the bill.

I have suggested to the author the presentation of another bill making the sum payable out of the General Fund, and inasmuch as I believe the measure to be meritorious, I shall be very glad in this fashion to put it into effect.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 260 sustained by the following vote:

AYES—None.

NOES—Senators Avey, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—24.

Also:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, March 18, 1911.

To the Senate of the State of California:

I return to you herein, without my approval, Senate Bill No. 646, entitled "An Act to add two new sections to the Code of Civil Procedure, to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others," and Senate Bill No. 647, entitled "An Act to amend Section 660 of the Civil Code, relating to fixtures."

By the first of these Acts it is provided that in any written contract for the sale of a monument or gravestone it may be provided that the title to the monument or gravestone does not pass, and that the vendor shall retain a lien for the purchase money, notwithstanding delivery to and possession by the vendee; and further, that if the debt for the monument or gravestone shall remain unpaid for a year, the vendor may remove the monument or gravestone from the grave and sell it.

The second bill provides that such monument or gravestone shall not be deemed attached to the land until "thirty days after the person who erected the same shall have filed with the person in charge of such cemetery a notice that the same has been fully paid for."

The provisions of these bills become objectionable, perhaps, solely because of the kind of property to which they are applicable. The particular subject with which the bills deal, and the possibilities that might occur, which could be so unseemly and shocking, require, I think, that these Acts should not become laws. Did we go a step further and give to the undertaker a lien for the coffin sold, and the right to remove that coffin within a particular time, there could be found scarcely any one to advocate such a measure. Creditors, of course, should be protected, yet after all, no man need give credit unless he wishes, and a creditor who deals in gravestones should protect himself in some other fashion than by permission to remove that gravestone when once it marks the resting place of the dead. Let us halt the bill collector at the cemetery gate, and let the grave be the sanctuary even of the debtor.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 646 sustained by the following vote:

AYES—None.

NOES—Senators Avey, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—24.

Also:

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 647 sustained by the following vote:

AYES—None.

NOES—Senators Avey, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Regan, Roseberry, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—23.

ADJOURNMENT.

At six o'clock and thirty minutes P. M., on motion of Senator Strobridge, the President pro tem. declared the Senate adjourned until Monday, March 20, 1911, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, March 20, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ayle, Bell, Bills, Bicknell, Black, Burdick, Bryson, Burnett, Cameron, Campbell, Casady, Coffin, Culver, Davidson, Gates, Hahn, Harbo, Heald, Hend, Judd, Larkin, Lewis, Marshall, Ragsdale, Reed, Ross, Sanford, Sessions, Strickland, Thompson, Tyrell, Walker, West, and Wright—64.

Quorum present.

PRAYER

Prayer by the Rev. Father John H. Ellis of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 18, 1911, the further reading was dispensed with on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Gates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Charles H. Treat of Los Angeles.

On request of Senator Heald, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to A. L. Cowell of Stockton.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Wright moved that the vote whereby Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles—was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 541 was passed, be made a special order for Monday, March 20, 1911, at twelve o'clock M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee dis-

trict, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 1473 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Senate Bill No. 874 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

Senate Constitutional Amendment No. 48 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Gates asked for, and was granted, unanimous consent to take up Assembly Bill No. 961 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water

channels to erect works necessary and incident to said drainage to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the name of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by amending Sections 1, 14, 2, 3, 6, 7, and 17 thereof, and to adding a new section thereto to be numbered Section 204, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

On page 9, Section 10, line 2, insert after the word "inserted", the following: "and maintain a permanent recording plant."

Also: On page 9, Section 10, line 8, after the word "insertion", strike per the following: "On upon the construction of water highways."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your special committee of one, to which was referred Assembly Bill No. 1961, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments adopted.

Bill ordered to print, and on file for third reading.

CALL OF THE SENATE.

Senator Hurd moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Birdsall, Black, Estudillo, Gates, Hans, Hare, Holahan, Hurd, Inghard, Larkins, Lewis, Macmillan, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright. -24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and thirty-one minutes A. M., Senator Bills was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At ten o'clock and thirty-two minutes A. M., Senators Burnett, Hewitt, and Campbell were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 874 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Campbell, Estudillo, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At ten o'clock and forty-five minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 726—An Act to amend Section 213 of the Penal Code of the State of California, relating to punishment for robbery.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 726 refused passage by the following vote:

AYES—Senators Estudillo, Hare, Hewitt, Hurd, Lewis, Rush, Tyrrell, and Wolfe—8.

NOES—Senators Avey, Bell, Bills, Boynton, Bryant, Campbell, Curtin, Holohan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Walker, and Wright—19.

SENATOR LEWIS IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Senator Lewis, of the Eleventh District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED.)

SENATE CONSTITUTIONAL AMENDMENT No. 48.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 84 of Article XI, relating to the powers conferred on municipal corporations by *freelholders' charters*.

The Legislature of the State of California, at its regular session, commencing on the 2d day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature, voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the Constitution of the State of California, so that Section 84 of Article XI of said Constitution shall read as follows:

"Section 84. It shall be competent, in all charters framed under the authority given by section eight of article seven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of peace courts; and for the manner in which the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of such judges and of their clerks and witnesses.

2. For the manner in which the times at which, and the terms for which the members of boards of health shall be elected or appointed, for their qualifications, compensation, and removal; and for the manner in which such boards shall exercise any one of such boards.

3. For the manner in which the times at which, and the terms for which the members of the boards of public commissioners shall be elected or appointed; and for the constitution, regulation, government, and jurisdiction of such boards and of the municipal police force.

4. For the manner in which, and the times at which, any municipal election shall be held and the result thereof determined; for the manner in which the times at which, and the terms for which the members of all boards of council shall be elected or appointed; and for the constitution, regulation, government, and jurisdiction of such boards, and of their clerks and witnesses; and for all city laws incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in all charters framed under said section eight of said article eleven, to be amended, therein, in possible, for the manner in which, the times at which, and the terms for which the several magistrates and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation; and for the manner of appointing, qualifications, removal, and removal of such judges, clerks and other employees. All the provisions of any charter of any such consolidated city and county heretofore enacted and amendments thereto, which are in accordance herewith are hereby confirmed and declared valid.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eleven o'clock A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Ball, Bills, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Iare, Hewitt, Hildebrand, Hurd, Larkins, Lewis, Martorelli, Regan, Roselberry, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and four minutes A. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At eleven o'clock and five minutes A. M., Senators Hans, Black, Birdsell, Thompson, and Caminetti were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

At eleven o'clock and six minutes A. M., Senator Shanahan was brought to the bar of the Senate, and, on motion of Senator Bills, he was excused for absence from the Senate Chamber.

At eleven o'clock and seven minutes A. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Bills, he was excused for absence from the Senate Chamber.

At eleven o'clock and eight minutes A. M., Senator Finn was brought to the bar of the Senate, and, on motion of Senator Hans, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and nine minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called, and Senate Constitutional Amendment No. 48 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Hans, Hare, Hewitt, Holahan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Senate Constitutional Amendment No. 48 ordered engrossed, and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the Committee Substitute for Senate Constitutional Amendment No. 5. A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof—and report that the same has been correctly reëngrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Constitutional Amendment No. 5 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 304—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 1050—An Act entitled "An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators.

Also: Senate Bill No. 1038—An Act to amend Section 4260 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Also, Senate Constitutional Amendment No. 47. A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to enable upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the people.

Also, Committee Substitute for Senate Bills Nos. 2, 24, 197, and 1074. An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens and corporations.

Also, Senate Bill No. 368. An Act authorizing the payment of the notes of the National Bank of D. O. Mills & Co., a corporation, against the State of California and making an appropriation therefor.

And report that the same have been recently engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 304, 1060, 1038, 368, and Committee Substitute for Senate Bills Nos. 2, 24, 197, and 1074 ordered on file for third reading.

Senate Constitutional Amendment No. 47 ordered transmitted to the Assembly.

PRESENTATION OF BILLS, ETC.

Senator Curtin offered, and sent to the desk for introduction, a joint resolution.

Senate joint resolution ordered referred to Committee on Introduction of Bills.

PRESIDENT PRO TEM. TAKEN SEAT IN THE CHAIR.

At eleven o'clock and twelve minutes, *a. m.*, Hon. A. E. Royaton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Martindale moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded and carried.

SENATOR WRIGHT IN THE CHAIR.

At eleven o'clock and fifteen minutes, *a. m.*, Senator Wright, of the Fortieth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1106, the same was taken up for consideration.

Assembly Bill No. 1106. An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Strike out lines 5 and 6, and the words "the Governor", in line 7, and insert in lieu thereof the following: "shall be selected by the California Press Association and shall hold office for four years."

Motion lost.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

ASSEMBLY BILL No. 1106.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1106 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Gates, Hewitt, Holohan, Juilliard, Larkins, Lewis, Roseberry, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Wright—21.

NOES—Senators Cassidy, Curtin, Finn, Hans, Hare, Hurd, Martinelli, Rush, Sanford, Shanahan, and Wolfe—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

Also: Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 972 and 1134 ordered on file for third reading.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At twelve o'clock and forty-five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Hurd moved that the further consideration of Senate Bill No. 533 be made a special order for immediately after the consideration of the special orders now under consideration.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 33, the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AGREEMENT No. 23

A resolution to increase to the judges of the STATE of CALIFORNIA BE AGREED to by the Constitution of the STATE of CALIFORNIA by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to clerks of said court in other parts of courts of record, and also relating to appointments by the various courts of such clerks, and also by amending section thirteen of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the terms and compensation of such clerks.

The Legislature of the State of California, at its regular session commencing on the second day of January, a. d. 1901, and continuing on the third of all its members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that neither taxation and localities nor articles six of the Constitution of the State of California be amended so as to read as follows:

Section 14. The court shall appoint one or more judges of the court of record to and for their respective jurisdictions as often and as long as the court shall so order. The judges so appointed shall provide for the appointment by the general session of courts of and of persons to sit on the bench in their respective jurisdictions of all such judges, with authority to remove chamber business or the judges of the superior courts to take depositions and perform such other business connected with the administration of justice as may be required by law.

Section 21. The Supreme Court shall appoint a Clerk of the Supreme Court, *provided, however*, that any person elected to the office of Clerk of the Supreme Court before the adoption hereof shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the business of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the presiding officers of the courts by which they are severally appointed.

Assembly constitutional amendment read

The question being on the adoption of the constitutional amendment

The roll was called and Assembly Constitutional Amendment No. 33 finally adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Byrnes, Burnett, Caminetti, Campbell, Curtis, Fennell, Gates, Harding, Juddard, Jenkins, Lewis, Martinelli, Roseberry, Rush, Shumaker, Swenson, Stralbridge, Thompson, Tyrrell, Walker, Wolfe and Wright—28.

None Senator Sanford 1

Assembly Constitutional Amendment No. 33 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected

under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

On motion of Senator Thompson, Senate Constitutional Amendment No. 36 was passed, to be placed at the foot of the third-reading file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 35.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of the said Legislature voting in favor thereof, hereby propose that sections seventeen and nineteen of article five of the Constitution of the State of California be amended so as to read as follows:

Section 17. A secretary of state, a treasurer, an attorney general and a surveyor general shall be appointed by the Governor, and shall hold office during the term of office for which the Governor making the appointment was elected, and until their successors are appointed and qualified: *provided, however*, that the officers herein mentioned, including a Controller, elected before the adoption hereof, shall continue to hold their respective offices until the expiration of the term for which they may have been elected. A controller shall be elected at the same time and place, and in the same manner as the Governor and Lieutenant Governor, and whose term of office shall be the same as that of the Governor.

Section 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected or appointed, which compensation is hereby fixed for the following officers as follows: Governor, ten thousand dollars per annum; Lieutenant Governor, four thousand dollars per annum; the Secretary of State, Controller, Treasurer, and Surveyor General, five thousand dollars each per annum, and the Attorney General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

The following amendments were submitted by committee:

On page 1, Section 17, lines 8 and 9, strike out the words "an Attorney General".

Amendment adopted.

Also:

On page 2, Section 17, line 16, after the word "Controller", insert the following: "and an Attorney General".

Amendment adopted.

Also:

On page 2, Section 17, line 18, strike out the words "whose term", and insert in lieu thereof the following: "their terms".

Amendment adopted.

Also:

On page 2 Section 17, line 14, insert the word "Secretary," and the following, "and an Attorney General."

Amendment adopted.

Senate constitutional amendment read, ordered to print, and on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 34 be made a special order for Wednesday, March 22, 1911, at eleven o'clock a. m.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 35 the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 35.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general, and a surveyor general, and also by amending section twenty of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two-thirds of all the members elected to each of the houses of the said Legislature, being in open court, hereby proposes that certain provisions and portions of article five of the Constitution of the State of California be amended so as to read as follows:

Section 17. A secretary of state, a treasurer, an attorney general, and a surveyor general shall be appointed by the Governor, to and with the advice and consent of the Senate, and shall hold office during the term of office of the Governor, provided, however, that the officers herein mentioned, including the Controller, elected before the adoption thereof, shall continue to hold their respective offices until the expiration of the term for which they have been elected. A controller shall be elected at the same time and place, and in the same manner, as the Governor and Lieutenant Governor, and whose term of office shall be the same as that of the Governor.

Section 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General shall, at stated times during their continuance in office, receive for their services a compensation which shall not

be increased or diminished during the term for which they shall have been elected or appointed, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant Governor, four thousand dollars per annum; the Secretary of State, Controller, Treasurer, and Surveyor General, five thousand dollars each per annum, and the Attorney General six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

The following amendments were submitted by committee:

On pages 1 and 2, Section 17, lines 8 and 9, strike out the words "an attorney general,".

Amendment adopted.

Also:

On page 2, Section 17, line 12, before the word "elected", insert the following: "and an attorney general,".

Amendment adopted.

Also:

On page 2, Section 17, line 15, after the word "controller", insert the following: "and an attorney general,".

Amendment adopted.

Also:

On page 2, Section 17, line 17, strike out the words "whose term", and insert in lieu thereof the following: "their terms".

Amendment adopted.

Assembly constitutional amendment read, ordered to print, and on file.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 35 be made a special order for Wednesday, March 22, 1911, at eleven o'clock A. M.

Motion carried.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—be made a special order for Wednesday, March 22, 1911, immediately after the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 533, the same was taken up for consideration.

Senate Bill No. 533.—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, as approved March 23, 1901."

Read third time on a previous day.

The question being on the passage of the bill

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion carried.

Time, twelve o'clock M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bell, Bile, Bissell, Black, Beaman, Bennett, Campbell, Cassady, Curtin, Estradilla, Finn, Gages, Hans, Hamilton, Hard, Johnson, Lackey, Lewis, Martinelli, Reagan, Roscherry, Rush, Sanford, Sherman, Smedley, Thompson, Ferrell, Walker, Wolfe, and Wheeler. 30.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and ten minutes P. M., Senator Behan was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At twelve o'clock and fifteen minutes P. M., Senator Cutten was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At twelve o'clock and sixteen minutes P. M., Senator Caminetti was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

At twelve o'clock and nineteen minutes P. M., Senator Cartwright was brought to the bar of the Senate, and, on motion of Senator Hurd, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

The roll of absentees was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Bills, Black, Caminetti, Campbell, Cassidy, Curtin, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Sanford, Thompson, Tyrrell, Walker, and Wright—21.

NOES—Senators Avey, Bohan, Bell, Birdsall, Boynton, Bryant, Burnett, Cartwright, Catten, Estudillo, Lewis, Roseberry, Shanahan, and Strobridge—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 893—An Act to repeal Section 1857 of the Political Code of the State of California, relating to compensation of county officers in certain instances.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 893 refused passage by the following vote:

AYES—Senators Avey, Black, Campbell, Cassidy, Finn, Hare, Regan, Stetson, and Wright—9.

NOES—Senators Bell, Boynton, Cartwright, Curtin, Catten, Holohan, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Thompson, and Tyrrell—15.

MOTION.

Senator Boynton moved that when the Senate takes a recess this afternoon it does so until eight o'clock and thirty minutes P. M., to consider the members' special urgency file.

Motion carried.

RECESS.

The hour having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 44, in relation to the establishment of a state commerce court—have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that the committee substitute be adopted.

STETSON, Chairman.

Senate Constitutional Amendment No. 51 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226 and 3227, relating to weights and measures.

Also, Senate Bill No. 1064—An Act to amend Section 626 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Also, Assembly Bill No. 1471—An Act to amend Section 1002 of the Code of Civil Procedure of the State of California, providing for the settlement of accounts of executors and administrators, and filing of accounts for expenditures.

Also, Assembly Bill No. 189—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-two of the Code of Civil Procedure, relating to the destruction of the estates of deceased persons.

Have had the same under consideration, and respectfully request the same be read and recommended that they do pass.

STETSON, Chairman.

Assembly Bills Nos. 1429, 1471, and 189 ordered on file for second reading.

Senate Bill No. 1064 ordered on file for second reading.

Also

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: Your Committee on Judiciary, by whom has referred Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code by adding a new section therein to be known as Section 265, relating to the handling of persons which prohibits or other before with intent to bring the same upon the parties benefiting from the State of California, and handling persons thereon."

Also, Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California to be known as Section 268, relating to false statements regarding financial condition or condition of the agent serving, until for the purpose of obtaining the same, and providing the penalty therefor.

Also, Assembly Bill No. 279—An Act to amend Section 272 of the Civil Code of the State of California, relating to mortgages.

Also, Senate Bill No. 242—An Act to amend sections one thousand four hundred and sixty-eight of the Code of Civil Procedure of the State of California, providing for the assigning and setting apart of the portions of small estates of deceased for the use and benefit of widows and minor children.

Also, Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relating to the sources of funds and expenses of the Senate and Assembly.

Also, Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section therein to be known as Section six hundred and four, providing for the formation of religious corporations.

Have had the same under consideration, and respectfully request the same be read with amendments, and recommended that they do pass as amended.

STETSON, Chairman.

Assembly Bills Nos. 265, 168, and 279 ordered on file for second reading.

Senate Bills Nos. 242, 1021, and 1287 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Roseberry asked for, and was granted, unanimous consent to take up Senate Bill No. 1281 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of Section 1, line 16, the word "majority", and inserting in lieu thereof the following: "four fifths".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1281, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Senate Bill No. 1281.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Wright, the second-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 793—An Act to add a new section to the Penal Code of California, to be designated 599g, relating to the subject of cruelty to animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909."

On motion of Senator Boynton, Assembly Bill No. 1385 was temporarily passed on file, to retain its place.

Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California relating to salaries and fees of officers of counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 998 (Committee Substitute for)—An Act relating to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control in the interests of commerce and navigation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 5, 1881, and the several Acts amendatory thereof, prescribing his duties, providing for his compensation, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 881—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, strike out all of the title, and insert in lieu thereof the following: "An Act to amend Sections 1, 2, 3, and 6 of an Act entitled 'An Act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor,' approved March 25, 1903, and to add two new sections thereto to be numbered Sections 5 and 6, and to amend Sections 5, 6, 7, and 8 of said Act, all relating to the State Board of Charities and Corrections."

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

Amendment adopted.

Also:

On page 1, Section 1, line 14, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

SENATOR BLACK IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Senator Black, of the Twenty-eighth District, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1074 (Committee Substitute for)—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1550—An Act to amend Section No. 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

On motion of Senator Holohan, Assembly Bill No. 1550 was temporarily passed on file, to retain its place.

Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of districts.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Stetson, the second-reading file of Senate bills was taken up out of order.

Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1203—An Act relating to bucket-shops, and defining the same, and to prohibit dealing in futures and gambling in the necessities of life and other commodities.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1073—An Act amending Section 679a of the Penal Code, relating to prison-made goods.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Stetson, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Roseberry:

Resolved, That William Collins, Assistant Journal Clerk, be and he is hereby, dropped from the list of members of the Senate, and his name be removed from the pay roll of said Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aves, Bell, Biss, Buck, Bryner, Burnett, Cassidy, Gates, Hewitt, Hinchey, Hunt, Juddard, Larkins, Matthews, Roseberry, Rush, Stanford, Stetson, Strong, Taylor, Walker, and Wright—22.

NOTES—None.

Also:

Resolved, That George V. Bell, Journal Clerk, be and he is hereby, dropped from the list of members of the Senate, and his name be removed from the pay roll of said Senate, and that William Collins, be and he is hereby, reappointed to the place and stand of said George V. Bell as Journal Clerk at a salary of \$9.00 per day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aves, Bell, Biss, Buck, Bryner, Burnett, Cassidy, Gates, Hewitt, Hinchey, Hunt, Juddard, Larkins, Matthews, Roseberry, Rush, Sanford, Stetson, Strong, Taylor, Walker, and Wright—24.

NOTES—None.

MOTION.

Senator Hurd moved that Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof, prescribing his duties; providing for his compensation, and making an appropriation therefor—be recalled from third reading for the purpose of amendment.

Motion carried.

Assembly Bill No. 1392 ordered recalled from third-reading file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Assembly Bill No. 1392 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

During second reading of the bill, the following amendments were offered by Senator Hurd:

In line 2, of the title, of the printed bill, after the word "appoint", strike out the letter "a", and insert in lieu thereof the words "an assistant".

Amendment adopted.

Also:

In line 2, Section 1, of the printed bill, after the word "appoint", strike out the letter "a", and insert in lieu thereof the word "an assistant".

Amendment adopted.

Also:

In line 7, Section 1, of the printed bill, after the word "said", insert the word "assistant".

Amendment adopted.

Also:

On page 2, line 14, Section 1, of the printed bill, after the word "such", insert the word "assistant".

Amendment adopted.

Also:

On page 2, line 16, Section 1, of the printed bill, after the word "said", insert the word "assistant".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of Assembly Bills was taken up, out of order.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.", approved March 6, 1909.

On motion of Senator Boynton, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1328 finally passed by the following vote:

AYES. Senators Avey, Bay, Bills, Burton, Buck, Byington, Bryant, Campbell, Campbell, Cartwright, Easton, Gay, Heath, Hendon, Hight, Johnson, Martinelli, Roschella, Rush, Sanford, Stansbury, Strong, Strensham, Tamm, and Wolfe. 25.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1293. An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1293 finally passed by the following vote:

AYES. Senators Avey, Bay, Bills, Burton, Buck, Byington, Campbell, Campbell, Cartwright, Cassady, Easton, Fitch, Glavin, Hays, Hendon, Hight, Johnson, Johnson, Martinelli, Roschella, Rush, Sanford, Stansbury, Strong, Strensham, Tamm, Walker, Wolfe, and Wright. 28.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 571. An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

On motion of Senator Holahan, Assembly Bill No. 571 was temporarily passed on file, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11, and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two-thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections one, five, eleven, and fifteen of article six of the Constitution of said State be amended so as to read as follows:

ARTICLE VI.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts and such inferior courts as the Legislature may establish in any incorporated city or town, township, county, or city and county.

SEC. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer, of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said courts shall have the power of naturalization, and to issue writs therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting

the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Sec. 11. The Legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof, and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof, *provided*, such powers shall not in any case, trench upon the jurisdiction of the several courts of record, except that the Legislature shall provide that said courts shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed twenty five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

Sec. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office, *provided*, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 26 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobbridge, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Assembly Constitutional Amendment No. 26 ordered transmitted to the Assembly.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

On motion of Senator Gates, Assembly Bill No. 241 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as Section 14 of article thirteen of the Constitution of the State of California.

Assembly Constitutional Amendment No. 48 was temporarily passed on file, in the absence of Senator Thompson, to retain its place.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593b and relating to party telephone lines and wires.

On motion of Senator Juilliard, Assembly Bill No. 389 was temporarily passed on file, to retain its place.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 46 finally passed by the following vote:

AYES—Senators Avey, Baine, Bell, Bille, Bonhoff, Burke, Burrows, Campbell, Cartwright, Cassady, Hays, Hendrick, Hunt, Johnston, Marston, Roseberry, Ross, Shannon, Stevenson, Strickland, Turrent, Walker, White and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holahan, as a special committee of one, to amend as follows:

By striking out of Section 5, line 9, the words, "which read, and it" after the word "of," and inserting in lieu thereof the following: "and provide"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your special committee of one, to which was referred Assembly Bill No. 494, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLAHAN, Chairman.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907, amended, approved March 20, 1909, amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 740 finally passed by the following vote:

AYES—Senators Avey, Baine, Bell, Bille, Bonhoff, Burke, Burrows, Byrnes, Campbell, Cassady, Curtis, Escholtz, Fann, Hays, Hewitt, Hendrick, Hunt, Juddard, Marston, Rogers, Roseberry, Stevenson, Strickland, and Walker—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1031 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Black, Boynton, Bryant, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 1385 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909."

During second reading of the bill, the following amendments were offered by Senator Boynton:

On page 3, Section 2, line 4, of the printed bill, after the word "Act", insert a comma and the following: "*provided*, that electors of President and Vice-President of the United States shall be nominated as provided in Subdivision 2 of Section 24, of this act;"

Amendment adopted.

Also:

On page 10, omit line 222, of the printed bill, and in lieu thereof insert the following: "person whose name has been written in upon any ballot or ballots for any office at any primary election have".

Amendment adopted.

Also:

On page 18, line 113, of the printed bill, omit the comma.

Amendment adopted.

Also:

On page 18, line 125, of the printed bill, omit the comma.

Amendment adopted.

Also:

On page 28, line 66, of the printed bill, omit the word "the", and insert in lieu thereof the word "their".

Amendment adopted.

Also:

On page 28, Section 24, line 7, of the printed bill, before the word "Senate", insert the word "State".

Amendment adopted.

Also:

On page 28, Section 24, line 10, of the printed bill, after the word "meet", insert the words "in state convention".

Amendment adopted.

Also:

On page 29, line 13, of the printed bill, after the period, insert the word "They", and in line thence insert the following: "There shall be no more such state conventions held at this time as there were political parties furnishing state congressional or legislative tickets at the primary election. The remedy of such convention."

Amendment adopted.

Also:

On page 29, line 18, of the printed bill, after the word "convention", insert the words "of their party."

Amendment adopted.

Also:

On page 29, line 20, of the printed bill, at the end of the line, add the following: "In each session of the Senate there shall be one month as the chairman of that party as their officers of President and Vice President of the United States as the State is then entitled to."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER

On motion of Senator Boynton, the Secretary was directed to issue a rush order for printing Senate Bill No. 1485.

THIRD READING OF ASSEMBLY BILLS—(FIRST MEETING)

Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the term of imprisonment of persons convicted of crime.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1402 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Curtin, Estadilla, Gates, Hans, Hewitt, Hurd, Julliard, Martinelli, Regan, Roseberry, Rosh, Sanford, Shanahan, Stetson, Tyrrell, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under local improvement Act of 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1088 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsell, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Estadilla, Gates, Hans, Hurd, Hewitt, Holahan, Hurd, Julliard, Martinelli, Regan, Roseberry, Rosh, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 380 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At three o'clock P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

On motion of Senator Wright, Assembly Bill No. 1339 was temporarily passed on file, to retain its place.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1150 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Thompson, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 667 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National

Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies." approved March 8, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1541 finally passed by the following vote:

AYES—Senators Avey, Bell, Black, Brittain, Black, Boynton, Bryant, Casamento, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Hobson, Hunt, Jamieson, Martinelli, Regan, Rosberry, Sanford, Shanahan, Stetson, Strobridge, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 747—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 finally passed by the following vote:

AYES—Senators Avey, Bell, Black, Black, Boynton, Casamento, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Hobson, Hunt, Jamieson, Larkins, Martinelli, Regan, Rosberry, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 finally passed by the following vote:

AYES—Senators Avey, Bell, Black, Black, Boynton, Cassidy, Estudillo, Finn, Gates, Hans, Hewitt, Hobson, Hunt, Jamieson, Larkins, Martinelli, Regan, Rosberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1086 finally passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Bryant, Burnett, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hans, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Rosberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Thompson moved a call of the Senate.

Motion carried.

Time, three o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty-five minutes P. M., Senator Hans was brought to the bar of the Senate, and, on motion of Senator Thompson, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Thompson.

The roll of absentees was called, and Assembly Bill No. 136 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Hurd, Larkins, Rush, Shanahan, Thompson, Walker, and Wright—21.

NOES—Senators Birdsall, Bryant, Burnett, Cutton, Estudillo, Hans, Holohan, Juilliard, Lewis, Martinelli, Regan, Sanford, Stetson, Strobridge, Tyrrell, and Wolfe—16.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Hare gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 136 was this day finally passed.

PRESENTATION OF BILLS, ETC.

Senator Boynton offered, and sent to the desk for introduction, a concurrent resolution.

Senate concurrent resolution ordered referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON EDUCATION

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 411, An Act to repeal Article XXVIII of the Constitution, and to add a new article numbered three of the Political Code of the State of California, and to add a new section numbered eighteen to Chapter Three of Title Three, part three of the Political Code, relating to the establishment of industrial, technical and agricultural training in the public schools, have had the same under consideration, and respectfully report the same back, and recommend that nothing be submitted in pass.

STROBRIDGE, Chairman.

Senate Bill No. 411 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1053, An Act to amend Section 1426a of the Civil Code, relating to fees of county recorders.

Also Assembly Bill No. 1537, An Act to amend Section 4007 of the Political Code of the State of California, relating to fees of judges with respect to minor orphans or half-orphans.

Also Assembly Bill No. 760, An Act to amend Sections 4007, 4007, 7507, and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys, and clerks of boards of supervisors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 1053, 1537, and 760 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1157, An Act to amend Section 4204 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifth class.

Also Assembly Bill No. 1093, An Act to amend the Political Code of California, by amending Subdivisions 1, 7, 12, 13, 13a, and 14 of Section 4287, Article XXXVIII, thereof, relating to salaries and fees of officers of counties of the thirty-eighth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

HEWITT, Chairman.

Assembly Bills Nos. 1157 and 1093 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 135 was temporarily passed on file, to retain its place.

Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Campbell, Cartwright, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Stetson, Tyrrell, Walker, Wolfe, and Wright—22.

NOES—Senators Birdsall, Curtin, Hans, Martinelli, Rush, Sanford, and Strobe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Holohan asked for, and was granted, unanimous consent to take up Assembly Bill No. 1550 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1550—An Act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

During second reading of the bill, the following amendments were offered by Senator Holohan:

On page 3, Section 1, line 71, strike out the period after the word "month", and insert in lieu thereof the following: A semicolon (;) and add the following: "He may also appoint one indexer, which office is hereby created, at a salary of seventy-five dollars per month, for four months in each year, whose duty it shall be, under the direction of the tax collector, to compile an index of the assessment rolls of the county, and of the assessment rolls of each sanitary district, said index to be a public record, and to be kept in the office of the tax collector for public use".

Amendment adopted.

Also:

On page 3, Section 1, line 71, strike out the word "salary", and insert in lieu thereof the words "clerk and indexer".

Amendment adopted.

Also:

Strike out the words "tax collector", in line 90, on page 3, Section 1, and insert in lieu thereof the following: "assessor".

Amendment adopted.

Also:

Add a new section as follows:

"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 1021 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 15, strike out the words "bill" strike :

Amendment adopted.

Also:

On page 1, Section 1, line 15, strike out the words "committee" and insert in lieu thereof the following: "except that"

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the words "the committee" and insert in lieu thereof the following: "committee"

Amendment adopted.

Also:

On page 2, Section 1, line 17, strike out the words "and" and insert "and"

Amendment adopted.

Also:

On page 2, Section 1, line 17, strike out the words "and" and insert the following: "and"

Amendment adopted.

Also:

On page 2, Section 1, line 17, strike out the words "and" and insert the following: "and"

Amendment adopted.

Also:

On page 2, Section 1, line 19, strike out the words "and" and insert the following: "and"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEES.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT, Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Joint Resolution No. 25—Relative to election of Senators of the United States by a direct popular vote.

Also, Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also, Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the biennium of the sixty-second fiscal year.

Also, Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies, for the Legislature and state officers for the sixtieth and sixty-second fiscal years.

Also, Committee Substitute for Senate Bill No. 915—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also, Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor.

Also, Senate Bill No. 1245—An Act to cede to the United States of America, upon certain conditions and reservations, certain lands in possession of the United States to which the State of California holds a tax title.

Also: Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the General Fund in the state treasury, and making an appropriation therefor.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Joint Resolution No. 25 ordered transmitted to the Assembly.

Committee Substitutes for Senate Bills Nos. 124 and 915 and Senate Bills Nos. 730, 1282, 462, 1245, and 1257 ordered on file for third reading.

THIRD-READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 568 passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cartwright asked for, and was granted, unanimous consent to take up Assembly Bill No. 58 for consideration, out of order.

Assembly Bill No. 58—An Act providing for the improving and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rush asked for, and was granted, unanimous consent to take up Assembly Bill No. 1556 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty seven of the Political Code of the State of California relative to salaries and fees of officers of the eighteenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Rush moved to refer to Senator Strobridge, as a special committee of one, to amend as follows:

Strike out subdivision 2 on page 2 of the printed bill, and insert in lieu thereof the following:

"2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all criminal writs not issued by said court officers of the superior court in and for his county. He shall appoint a deputy to take charge of the branch county jail, at a salary of three thousand dollars per annum, and a deputy jailer, at a salary of one thousand dollars per annum, who shall not be a jailer for the county jail (the salaries of other deputies shall be paid by the county in the same manner and out of the same fund as the salaries of the other county officers are paid)."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1556, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 915 for consideration, out of order.

Senate Bill No. 915—An Act to amend Section 4231 of the Political Code of the State of California relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 915 passed by the following vote:

AYES—Senators Aycox, Bills, Randall, Black, Boynton, Camanera, Campbell, Cartwright, Cossady, Estradilla, Gates, Hans, Hays, Hobbs, Hurd, Julliard, Lewis, Martineau, Rush, Sanford, Shanahan, Scorsen, Thompson, Walker, and Wolfe—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 972 for consideration, out of order.

Senate Bill No. 972—An Act to amend Section 4251 of the Political Code, relating to salaries and fees of officers of counties of the twenty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 972 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Senate Bill No. 1038 for consideration, out of order.

Senate Bill No. 1038—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1038 passed by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roscherry, Rush, Sanford, Shanahan, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1288, by Senator Cullen, entitled "An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make said transfer."

Senate Joint Resolution No. 27, by Senator Curtin, relative to "requesting Secretary of Interior to confirm selections of land to the State of California."

Senate Concurrent Resolution No. 20, by Senator Boynton, relative to "the consent of the Legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days."

Senate Constitutional Amendment No. 54, by Senate Judiciary Committee, relative to "the running at large of live stock in counties."

Have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and that the authors be permitted to introduce said bill, joint resolution, concurrent resolution, and constitutional amendment.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cartwright:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section thereof requiring that no bill shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members

thereof, be complied with, and that the members be and they hereby are permitted to introduce said bill, joint resolution, concurrent resolution, and constitutional amendment recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES. Senators: Avey, Bangs, Bill, Bissell, Black, Bristow, Campbell, Carr, Wright, Cassidy, Curtis, Eason, Felt, Gurn, Hays, Hays, Hildner, Hunt, Fall, Ford, Forbes, Lusk, Mallory, Rags, Rensselaer, Rice, Shafter, Shattuck, Stetson, Thompson, Walker, White, and Wright—41.

NOES. None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—[OUT OF ORDER.]

By Senator Cutten, Senate Bill No. 1288.—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

By Senate Committee on Judiciary, Senate Constitutional Amendment No. 54.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 11 of Article XI thereof, authorizing counties to regulate the running at large of live stock within such county.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Boynton, Senate Concurrent Resolution No. 20.—Relative to the consent of the Legislature to the absence of certain members thereof, and of state officials from the State of California for more than sixty days.

Senate concurrent resolution referred to Committee on Judiciary.

By Senator Curtin, Senate Joint Resolution No. 27.—Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

Senate joint resolution referred to Committee on Federal Relations.

MOTION.

Senator Boynton moved that Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909—be recalled from third reading, for the purpose of amendment.

Motion carried.

CONSIDERATION OF BILL.—[OUT OF ORDER.]

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 1385 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1385.—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties

may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

During second reading of the bill, the following amendments were offered by Senator Wright:

On page 3, line 16, of the printed bill, omit the comma, and substitute a semicolon, followed by the words "nor to freeholders to be elected for the purpose of framing a charter;"

Amendment adopted.

Also:

On page 3, line 16, of the printed bill, omit the words "school trustees in".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Bill No. 1172—An Act to add a new section to the Political Code, to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYNTON, Chairman.

Senate Bill No. 1172 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER)

On motion of Senator Wright, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the General Fund in the state treasury, and making an appropriation therefor.

Also Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Also Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Also Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road leading from Big Oak Flat, in Tuolumne County, to Yosemite Valley.

Also Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

Also Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Also Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough, in the county of Sutter.

Also Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Also Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also Assembly Bill No. 1179—An Act to amend section twenty-one hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on personal and real property.

Also Assembly Bill No. 1180—An Act to amend Sections 701, 702, 703 and 704 of the Civil Code, and to repeal Section 704, all relating to religious and benevolent corporations.

Also Assembly Bill No. 1181—An Act to amend Section 1226 of the Penal Code, relating to charging time running back.

Also Assembly Bill No. 1182—An Act to amend the law for the survey, location and construction of a state highway from a point known as the Orange House in the county of Yuba, thence in the old river of Grinnalls, in Yuba County, thence to the North Yuba River, in a point just above the confluence of Washoe Creek with the North Yuba River, thence following the east bank of said branch of the North Yuba River to the town of Grinnalls, in Sierra County, and thence in appropriation thence.

Also Assembly Bill No. 1183—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of joint high school districts.

Also Assembly Bill No. 1182—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of joint high school districts.

Also Assembly Bill No. 1184—An Act to amend Section 1740 of the Political Code of the State of California, relating to the incorporation of a high school district.

I. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1171, 1148, 47, 268, 466, 802, 1012, 1103, 1176, 1179, 1326, 1331, 1349, 1380, 1387, and 1384 read first time.

Assembly Bills Nos. 1171, 47, 268, 1106, and 1176 ordered referred to Committee on Finance.

Assembly Bills Nos. 1148, 1380, 1387, and 1384 ordered referred to Committee on Education.

Assembly Bills Nos. 466 and 1020 ordered referred to Committee on Corporations.

Assembly Bill No. 802 ordered referred to Committee on County Government.

Assembly Bills Nos. 1012 and 1332 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1172 ordered referred to Committee on Judiciary.

Assembly Bill No. 1330 ordered referred to Committee on Roads and Highways.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I am desirous to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 18, inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California.

Also Senate Concurrent Resolution No. 19, approving twenty certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, which are and which by the authorized officers of said city of Los Angeles at a special municipal election held thereby on the 6th day of March, 1911.

I. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolutions Nos. 18 and 19 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: I am desirous to inform your honorable body that the Assembly on this day passed Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor, creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Also Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Also: Senate Bill No. 688. An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 442, 490, and 688 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 774. An Act providing for the time of payment of wages.

Also: Senate Bill No. 945. An Act to add a new section to the Penal Code of the State of California, to be numbered Section 6354, relating to the protection and preservation of fish.

And respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 774?"

On page 2, Section 2, line 4, strike out the word "ten", and insert in lieu thereof the following: "fifteen".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 774 by the following vote:

AYES. Senators Avey, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cassidy, Estradillo, Gates, Hewitt, Holahan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Steenbridge, Wolfe, and Wright—23.

NOES. None.

Senate Bill No. 774 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 945?"

In Section 3, line 2, strike out the word "January", and insert in lieu thereof the word "July."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 945 by the following vote:

AYES. Senators Avey, Bills, Birdsall, Black, Boynton, Campetti, Campbell, Cartwright, Cassidy, Estradillo, Hewitt, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Steenbridge, Walker, and Wolfe—24.

NOES. None.

Senate Bill No. 945 ordered to enrollment.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 182. An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors.

Also: Senate Bill 251. An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also: Senate Bill No. 475. An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof." (Approved March 21, 1907.)

Also: Senate Bill No. 585. An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

And respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 182?"

On page 6, Section 11, line 5, strike out the period, and insert in lieu thereof the following: "unless otherwise specified in paragraph under Section 4 of this Act."

Also: On page 1, Section 1, of the printed bill, strike out lines 7 to 9, inclusive, and insert in lieu thereof the following:

42246. In each county within the State of California there shall be a county board of health appointed by the board of supervisors. The county board of health shall consist of five members, not less than two of whom shall be duly licensed and practicing physicians and one of whom, if practicable, shall be a nurse registered. The members of said board shall hold office for the term of four years from and after their appointment and each three members be appointed and qualified, provided that the majority of the board at their next meeting shall reappoint themselves by lot that three of those members shall present at each of the expiration of three years and sign at the expiration of that term. The board shall elect from their own number a president and a secretary. The secretary shall be a duly licensed and practicing physician and shall serve as county health officer. The members of the board shall receive salaries to be fixed by the board as such, but shall receive their actual and necessary traveling expenses while engaged in the business of the board. The secretary of the board shall receive for his services as such, and as health officer, such sum as may be determined by the board of supervisors. The health officer shall be deemed to be an officer and not an official.

Also: On page 1, Section 2, line 4, of the printed bill, strike out the words "leg" and "Monterey," and insert in lieu thereof the words "Marine," and the word "week."

Also: On page 1, Section 2, line 6, of the printed bill, strike out the words "officers and health officers," and insert in lieu thereof the word "person."

Also: On page 2, Section 3, line 12, of the printed bill, after the word "personnel," in said line 12, insert the words "in view of this report shall be laid with the Secretary of the State Board of Health."

Also: On page 2, Section 4, lines 6 to 9, of the printed bill, strike out the words beginning with the word "and," after the word "county," in line 6, all of line 7, all of line 8, and in line 9 including the word "county," in line 9.

Also: On page 3, Section 4, lines 12 to 14, of the printed bill, commencing with the word "such," after the word "for," in line 12, strike out the balance of line 12, all of line 13, and all of line 14, and insert in lieu thereof the following: "one year and until his successor is appointed and qualified."

Also: On page 4, Section 6, line 3, of the printed bill, after the word "successor," insert the words "the board of health."

Also: On page 6, Section 10, of the printed bill, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following:

42257. The term of office of the county health officer shall be for one year and until his successor is appointed and qualified. He shall give a bond at the end of two thousand five hundred dollars and bond to be returned to the members of the board of supervisors. His compensation shall be the sum of five dollars per day or not less than eight hours that he shall actually be engaged in the performance of his duties as such and his necessary traveling expenses actually incurred by him in the discharge of his duties. Such compensation shall be advanced and paid monthly by the board of supervisors upon receipt of proper vouchers.

Also: On page 6, Section 11, of the printed bill, strike out all of Section 11.

Also: On page 7, Section 12, of the printed bill, strike out all of Section 12.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 182 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Estabrook, Giese, Hard, Johnson, Lewis, Martin, H. R. Gan, Rossmore, Rust, Sanford, Strickbridge, Thompson, Walker, Wells, and Wright—23.

NOES—None.

Senate Bill No. 182 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 585?"

Strike out all of lines 4 and 5, Section 1, of the printed bill, and insert in lieu thereof the following: "ated, to be expended at the Southern California State Hospital as follows:".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 585 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell,

Cartwright, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 585 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 251?"

On page 1, line 1, of the engrossed bill, before the word "Section" insert the following: "SECTION 1."

Also: On page 1, line 3, of the engrossed bill, strike out the word "Section".

Also: On page 1, line 8, of the engrossed bill, before the word "Section" insert the following: "SEC. 2."

Also: On page 1, line 11, of the engrossed bill, strike out the word "Section".

Also: On page 2, line 14, of the engrossed bill, before the word "Section", insert the following: "SEC. 3."

Also: On page 2, line 16, of the engrossed bill, strike out the word "Section".

Also: On page 2, line 20, of the engrossed bill, before the word "Section", insert the following: "SEC. 4."

Also: On page 2, of the engrossed bill, strike out all of line 22, following line 21, and in lieu thereof insert the following: "1345. The clerk must seal up such abstract, indorse".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 251 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 251 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 475?"

After the word "streams", in line 8, Section 1, page 1, of the printed bill, insert the following: "from which fish are not taken for the purposes of propagation by the State Fish Commission."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 475 by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Gates, Holohan, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 475 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 12 Relative to a more strict enforcement of the immigration laws, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WRIGHT, Chairman.

Assembly Joint Resolution No. 12 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to take up Senate Bill No. 462 for consideration, out of order.

Also: Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line, through Lassen County, to the Modoc County line, and making an appropriation for its improvement and maintenance.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 1054 and 1241 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom to the city of Oakland, and regulating the management, use and control thereof.

Also: Senate Bill No. 445—An Act granting to the city of Los Angeles the tide lands and submerged lands of the State within the boundaries of the said city.

And report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Bills Nos. 399 and 445 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 48. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article XI relating to the powers conferred on municipal corporations by freeholders' charters—and report that the same have been correctly reengrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 48 ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Avey moved a call of the Senate.

Motion carried.

Time, eight o'clock and fifty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Black, Boynton, Bryant, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Tyrrell, and Wright—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and fifty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Avey.

The roll of absentees was called, and Assembly Bill No. 490 refused passage by the following vote:

AYES—Senators Avery, Baker, Bell, Briggs, Campbell, Finn, Hewitt, Hurd, Larkins, Lewis, Rogan, Sanford, Shanahan, and Terrell—44.

NOES—Senators Black, Bryant, Escudé, Gates, Hays, Hens, Marshall, Stetson, and Wright—9.

LEAVE OF ABSENCE.

Senator Curtin was, on motion of Senator Wright, granted leave of absence for the remainder of this day.

MEMBERS' SPECIAL AGENCY CHAIR—RESUMED.

Senate Bill No. 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapy examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

On motion of Senator Finn, Senate Bill No. 760 was temporarily passed on file, to retain its place.

Senate Bill No. 902—An Act to add a new section to the Political Code, to be known and numbered as Section 413ia, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 902 passed by the following vote:

AYES—Senators Avery, Baker, Bell, Briggs, Brown, Campbell, Cassady, Escudé, Finn, Gates, Hays, Hewitt, Juddard, Larkins, Lewis, Marshall, Rogan, Sanford, Shanahan, Stetson, and Terrell—21.

NOES—Senators Curtwright, Hays, and Hurd—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319g, and 2319h of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Read third time.

Assembly Bill No. 1152 was temporarily passed on file, in the absence of Senator Bills, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 48

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one-quarter of article thirteen of the Constitution of the State of California.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that an amendment to the Constitution of the State be adopted by adding a new section thereto, to be known as

section one and one quarter of article thirteen of the Constitution of the State of California, to read as follows:

"SEC. 14. The property to the amount of one thousand dollars of every resident in this State who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount, and property to the amount of one thousand dollars of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this Act of the property of a person who is not a legal resident of this State.

Assembly constitutional amendment read.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 48 adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—Senators Stetson and Tyrrell—2.

Assembly Constitutional Amendment No. 48 ordered transmitted to the Assembly.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1559 finally passed by the following vote:

AYES—Senators Behan, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hare, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1046 finally passed by the following vote:

AYES—Senators Behan, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Hare, Hewitt, Hurd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

On motion of Senator Campbell, Senate Bill No. 965 was temporarily passed on file, to retain its place.

Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 6287, relating to gathering claims, and prescribing a penalty for gathering claims under a certain title, or having more than a certain number in one's possession.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1492 finally passed by the following vote:

AYES—Senators: Avey, Baine, Bell, Bliss, Brooks, Brown, Burgett, Campbell, Cawright, Cassidy, Cassin, Estabill, Foss, Gates, Hays, Harbo, Howell, Holman, Hurd, Jenkins, Lewis, Marshall, Reed, Rosch, Rush, Sanford, Stinson, Strabridge, Thompson, Tyrrell, Walker, White, and Wright—22.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators: Avey, Baine, Bell, Bliss, Brooks, Brown, Burgett, Campbell, Cawright, Cassidy, Cassin, Estabill, Foss, Gates, Hays, Harbo, Howell, Holman, Hurd, Jenkins, Lewis, Marshall, Reed, Rosch, Rush, Sanford, Stinson, Strabridge, Thompson, Tyrrell, Walker, White, and Wright—26.
 NOES—Senators: Bliss, C. Cawright, Cassin, Holman, Jenkins, Lewis, Roseberry, Shanahan, Walker, and Wright—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 720 finally passed by the following vote:

AYES—Senators: Avey, Baine, Bell, Bliss, Brooks, Brown, Burgett, Campbell, Cawright, Cassidy, Cassin, Estabill, Foss, Gates, Hays, Harbo, Howell, Holman, Hurd, Jenkins, Lewis, Marshall, Reed, Rosch, Rush, Sanford, Stinson, Strabridge, Thompson, Walker, White, and Wright—35.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1954—An Act to amend Section 4273 of the Political Code, relating to salaries of officers of counties of the forty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1054 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1247 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the General Fund in the State treasury.

MOTION.

Senator Finn announced that Assembly Bill No. 1571 is identical with Senate Bill No. 1257, and moved that Assembly Bill No. 1571 and Senate Bill No. 1257 be referred to Committee on Engrossment and Enrollment for comparison.

Motion duly seconded.

Motion carried.

Assembly Bill No. 1571 and Senate Bill No. 1257 ordered referred to Committee on Engrossment and Enrollment.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

On motion of Senator Hans, Assembly Bill No. 113 was temporarily passed on file, to retain its place.

NOTICE OF MOTION TO RECONSIDER.

Senator Stetson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907—was this day finally passed.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1243—An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1243 passed by the following vote:

AYES. Senators Avey, Behan, Bell, Bille, Birdsell, Black, Byrnes, Campbell, Campbell, Chittenden, Clancy, Edwards, Fiske, Gates, Hays, Hays, Hewitt, Hornum, Hurd, Juilliard, Lewis, Martinelli, Regan, Rusk, Sanford, Shanahan, Stanton, Stenbridge, Thompson, Tipton, Walker, Walker and Walker—22.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 445—An Act granting to the city of Los Angeles in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES. Senators Avey, Bell, Bille, Black, Byrnes, Campbell, Chittenden, Clancy, Fiske, Gates, Hewitt, Hill, Juilliard, Martinelli, Regan, Rusk, Sanford, Stanton, Stenbridge, Thompson, Tipton, Walker and Walker—22.

NOES. Senators Blinnell, Brown, Cammetti, Carter, Henderson, Jackson, Lewis, Shanahan, Walker, and Walker—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Boynton arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I was in the Government on legislative business when Senate Bill No. 399 was passed. Had I been present on the roll call, I would have voted against the bill.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At ten o'clock and fifty minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cammetti moved a call of the Senate.

Motion carried.

Time eleven o'clock P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Catten, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilhard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and one minute P. M., Senator Holohan was brought to the bar of the Senate, and, on motion of Senator Caminetti, he was excused for absence from the Senate Chamber.

At eleven o'clock and two minutes P. M., Senator Avey was brought to the bar of the Senate, and, on motion of Senator Caminetti, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Caminetti.

The roll of absentees was called, and Senate Bill No. 965 passed by the following vote:

AYES—Senators Avey, Behan, Black, Bryant, Caminetti, Campbell, Cartwright, Finn, Gates, Hare, Holohan, Juilhard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe—22.

NOES—Senators Bell, Bills, Birdsall, Boynton, Catten, Estudillo, Hewitt, Hurd, Larkins, Roseberry, Stetson, Strobridge, Thompson, and Wright—14.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Gates gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 965 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 16—Referring to the time of adjournment of the thirty-ninth session of the Legislature *sine die*—have had the same under consideration, and respectfully beg leave to report that said resolution be amended to read as follows:

Resolved by the Senate, the Assembly concurring, That the thirty-ninth session of the Legislature adjourn, sine die, at twelve o'clock, midnight, Monday, March 27, 1911.

And that, as so amended, the resolution be adopted. BOYNTON, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 16 for consideration, out of order, for the purpose of amendment.

S. A. G. 1993. *Journal of Herpetology*, Vol. 27.

I: What's the deal? Is it over?

It is said by the Senate and Assembly respectively that the erroneous message of the Legislature delivered was not an American failure, but that the Senate, Mexican Congress, respectively, furnished bad advice.

The following substitute was submitted by committee:

It is noted by the Society, the Quarterly returned was that the Headquarters of the League had advised him to go to London to work. (Hearings, March 27, 1991). And there are a number of other statements to substantiate

Continental Shelf, 1974

Senate Concurrent Resolution No. 16, ordered on file.

作者地址：中国地质大学（北京）地质研究所 100083

Senator Wolfe moved that the consideration of the report of Committee on Rules be made a special order for Tuesday, March 21, 1911 immediately after the reading of the Journal.

Motion approved

REPRODUCTION OF ANGINO COMMUNITIES IN THE MEDITERRANEAN

1900

Journal of the American Statistical Association, December 1991

[illegible]

SYNOPSIS. 111

Senate Bill No. 51 ordered on the day second reading.

11-11

SIXTH COUNCIL, SACRAMENTO, March 20, 1911.

Mr. PRESIDENT, Your Committee has received a letter from the California State Board of Education, dated March 29, 1961, in which the board requests that the committee consider the matter of the proposed new high school at Palmdale, California. The board states that the proposed new high school is to be located on the site of the old high school, and that the new school is to be a comprehensive high school, serving the needs of the community. The board also states that the new school is to be a comprehensive high school, serving the needs of the community. The board also states that the new school is to be a comprehensive high school, serving the needs of the community.

STROBRIDGE, C. 17-18-19.

Senate Bill No. 500 ordered re-referred to Committee on Finance.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903 and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES. Senators. Ayer, Boland, Roll, Roll's, Birdsall, Black, Boynton, Bryant, Burgett, Channett, Campbell, Estabrook, Fann, Gates, Here, Hewitt, Hard, Juilliard, Lewis, Martinelli, Regan, R. Seatter, Rush, Sanford, Shaughan, Stetson, Thompson, Walker, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 515—"An Act to repeal Article XVIII, of Chapter III, of Title I, of Part III of the Political Code, relating to the powers and duties of the Board of Examiners, and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof; providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain state funds, the creation and payment of deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act."

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 515 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, and Welch—29.

NOES—Senators Cassidy, Hurd, Shanahan, and Wright—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1134 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Cutton, Estudillo, Gates, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—28.

NOES—Senator Behan—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1050—An Act entitled "An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1050 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

AMENDMENT TO TITLE

Senator Stetson moved to amend title as follows:

By striking out the first three words of the title following the words "An Act"

Amendment adopted.

Bill ordered to print, reengrossed, and transmitted to the Assembly.

MEMBERS' SPECIAL AGENCY FILE—(RESUMED)

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof to any person, firm or corporation, for the purpose of irrigation or for any other lawful use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1472 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cassidy, Estradillo, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Sanford moved that the consideration of Committee Substitute for Senate Bills Nos. 2, 24, 1074, and 167—An Act to amend Section 671 of the Civil Code, to restrict the ownership of real estate—be made a special order for Tuesday, March 21, 1911, at eleven o'clock and thirty minutes A. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Shanahan asked for, and was granted, unanimous consent to take up Senate Bill No. 1241 for consideration, out of order.

Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line, through Lassen County, to the Modoc County line, and making an appropriation for its improvement and maintenance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1241 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cassidy, Estradillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE — (RESUMED).

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1051 finally passed by the following vote:

AYES.—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Cassidy, Cotten, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—30

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1246 passed by the following vote:

AYES.—Senators Avey, Beban, Bell, Bills, Black, Bryant, Cassidy, Estudillo, Gates, Hewitt, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Stetson, Strobridge, Thompson, Wolfe, and Wright—21.

NOES.—Senators Birdsall, Boynton, Hare, Larkins, Lewis, Roseberry, Shanahan, and Walker—8

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Walker moved that the consideration of Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a Superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith—be made a special order for Tuesday, March 21, 1911, at eleven o'clock A. M.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE — RESUMED.

Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1474 finally passed by the following vote:

AYES.—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cassidy, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan,

Roscherry, Rush, Shennahan, Stinson, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

None—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278.—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1194, 1194, 1195, 1197, 1202, and 1203 of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200, and 1203a of said Code, all relating to liens of mechanics and others.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 finally passed by the following vote:

AYES.—Senators Baker, Bell, Biss, Birdsell, Black, Boynton, Bryant, Cassidy, Cullen, Escholtz, Felt, Hays, Hewitt, Hunt, Jackson, Lewis, Roscherry, Rush, Shennahan, Stinson, Strobridge, Walker, Wright, and Wright—28.

None.—Senators Caminetti, Gates, Harp, and Thompson—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1152.—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319g, and 2319h of the Political Code of the State of California relating to the State Commissioner of Horticulture and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 finally passed by the following vote:

AYES.—Senators Avery, Brown, Bell, Biss, Birdsell, Black, Boynton, Bryant, Cassidy, Cullen, Escholtz, Gates, Hays, Hewitt, Hunt, Jackson, Lewis, Martinelli, Rogers, Rush, Shennahan, Stinson, Strobridge, Thompson, Walker, Wolfe, and Wright—28.

None—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 1188, "An Act to provide for retirement salaries for public school teachers of this State, and to provide for the expense thereon," have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROBRIDGE, Chairman.

Assembly Bill No. 1188 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 167—"An Act making an appropriation for the equipment, support, and

maintenance of the Branch Agricultural Experiment Station in Imperial County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 167 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FINN, Chairman.

Assembly Bill No. 202 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINN, Chairman.

Assembly Bill No. 199 ordered on file for second reading.

PRESENTATION OF BILL.

Senator Juilliard offered, and sent to the desk for introduction, a bill. Bill ordered referred to Committee on Introduction of Bills.

ADJOURNMENT.

At eleven o'clock and forty-five minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 21, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Rev. Father James P. Towey, of San Francisco.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 20, 1911, the further reading was dispensed with on motion of Senator Rush.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. W. M. John, of San Luis Obispo.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, having the consideration of Senate Concurrent Resolution No. 16—Relative to final adjournment—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Senate Concurrent Resolution No. 16 be made a special order for Friday, March 24, 1911, immediately after the reading of the Journal.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I have directed to prepare and transmit today (20) the Assembly of this day passed Assembly Bill No. 1162—An Act to provide for the construction of an Exposition Building for Agricultural Purposes No. 2 in which provision to be known as State Agricultural Park at Stockton, which building is to be used in all of the counties of this State for the purpose of increasing the production of their industries, industrial processes, products and products, and to make an appropriation for the construction of such building.

Also, Assembly Bill No. 105—An Act to provide for the survey, location, and construction of a rail line, known as the route of Marysville through Bear Creek, Mission Gorge and Stockton, from the Yosemite Valley Railroad at Bear Creek station, in Mariposa County, California, and thence to Marysville, Oregon.

Also, Assembly Bill No. 104—An Act to provide an appropriation of one hundred thousand dollars to be paid in and expended by the Agricultural Council of the State of California, in other quarters of General George Washington, appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the location, building and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Also, Assembly Bill No. 103—An Act to confirm, validate and legalize the tax levies made by county boards of supervisors for county, school and other purposes.

Also, Assembly Bill No. 102—An Act to regulate the use of transfers issued by street railroad companies in cities, towns and counties, and towns of this State.

Also, Assembly Bill No. 100—An Act to provide for the survey and construction of a state highway from Springs Grove, in the town between the counties of Santa Clara and Santa Cruz, into the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also, Assembly Bill No. 975—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California, providing for the acquisition of a site, and acquire by donation, said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Also, Assembly Bill No. 745—An Act to amend an Act entitled an "Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also, Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Also: Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts, providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909.

Also: Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener," approved March 21, 1907.

Also: Assembly Bill No. 1317—An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Also: Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Also: Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also: Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626*a* and 626*r*.

Also: Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Also: Assembly Bill No. 1507—An Act to amend Section 679*a* of the Penal Code.

Also: Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

Also: Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Also: Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Also: Committee Substitute for Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. L. WALKER, Assistant Clerk.

Assembly Bills Nos. 1162, 36, 164, 371, 467, 600, 675, 745, 980, 1190, 1289, 1317, 1331, 1367, 1373, 1500, 1507, 1567, 1581, 1583, and Committee Substitute for Assembly Bill No. 1585 read first time.

Assembly Bills Nos. 1162, 36, 164, 600, and 675 ordered referred to Committee on Finance.

Assembly Bill No. 371 ordered referred to Committee on Revenue and Taxation.

Assembly Bill No. 467 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 745, 1367, 1373, and 1507 ordered referred to Committee on Judiciary.

Assembly Bill No. 980 ordered referred to Committee on Irrigation.

Assembly Bill No. 1190 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 1289 ordered referred to Committee on Public Buildings and Grounds.

Assembly Bills Nos. 1317, 1500, and 1567 ordered referred to Committee on County Government.

Assembly Bill No. 1331 ordered referred to Committee on Agriculture, Dairying, Fruit and Vine Interests.

Assembly Bills Nos. 1581 and 1583 and Committee Substitute for Assembly Bill No. 1585, ordered referred to Committee on Education.
Also

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day amended and passed as amended Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other sciences of healing the sick or afflicted in the State of California, and for the regulation of a class of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 10, 1909, by amending sections thereof and by adding a new section to said Act, which section shall be entitled "Provision relating to the practice of medicine and surgery osteopathically, and other sciences and modes of treating the sick or afflicted in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery osteopathically, and some training or study in treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the amendments of Section 1," hereby added thereto.

Also Senate Bill No. 270—An Act to amend Section 628b of the Penal Code of the State of California, relating to the punishment and imprisonment of felons.

Also Senate Bill No. 320—An Act entitled that now entitled to an Act entitled "An Act to provide for the organization, incorporation and government of agricultural corporations," approved March 10, 1888, as amended March 10, 1909, 1910 and 1911, and 1912, relating to the government of agricultural corporations, and providing for the simplified incorporation of agricultural corporations.

Also Senate Bill No. 390—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-one thereof, relating to what constitutes banks and trust in or out these funds.

Also Senate Bill No. 718—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance and to vest the title in the State of California, to the tract of land in Santa Clara County, as the Veterans' Home, with the improvements and buildings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State."

Also Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Also Senate Bill No. 953—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 2700, 2701, and 2702, relating to the abandonment and neglect of children, and the punishment of such acts, and the manner required to prove, and the punishment of such offenses.

Also Senate Bill No. 1011—An Act to amend an Act entitled "An Act to amend the Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Also Senate Bill No. 1020—An Act to amend Section 1230 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

And respectfully ask that the amendments be adopted by

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Committee Substitute for Senate Bill No. 261?"

Amend Section 2, line 79, page 5, of printed bill, by inserting after the word "doctor", the words "as indicating or implying that he is a doctor of medicine".

Also After the word "follow", in line 50, page three (3), Section 1, of Senate Bill No. 261, add the following:

"Provided, however, that the State Board of Medical Examiners may issue a certificate to any person who has practiced a special branch of medicine and surgery, at the time this Act goes into effect, for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California; an applicant to practice a special branch of medicine and surgery must file an affidavit with the Board of Medical Examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take

an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant, and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant, and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the State Board of Medical Examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant."

Also After the word "forth", in line 50, on page 3, Section 1, insert the words: "Except as otherwise stated".

On motion of Senator Avey, the consideration of the above Assembly amendments to Senate Bill No. 261 was temporarily passed.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 276?"

In line 2, of the title, strike out the word "Political", and insert in lieu thereof the word "Penal".

Also In line 1, Section 1, of the printed bill, strike out the word "Political", and insert in lieu thereof the word "Penal".

Also In line 3, page 1, of the printed bill, strike out the word "Section".

Also On page 1, Section 1, line 4, of the printed bill, strike out the word "June", and insert in lieu thereof the word "May".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 276 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cartwright, Curran, Estrudillo, Gates, Hans, Hewitt, Holohan, Hurd, Lewis, Regan, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 276 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 359?"

Strike out the word "by" in line 5, and the word "ordinance" in line 6, page 1, of the printed bill, and insert in lieu thereof the following: "submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to".

Also On page 2, Section 1, line 18, of the printed bill, strike out the words "of not exceeding \$1,500 per annum".

Also Insert a new paragraph after the word "municipality" in line 28, page 2, of the printed bill, reading as follows: "The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: 'shall the administration of the municipality be divided into five departments as follows: insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive'. 'Yes' and 'No' so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter'."

Also Strike out the word "by" in line 5, and the word "ordinance" in line 6, page 3, of the printed bill, and insert in lieu thereof the following: "submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to".

Also On page 3, Section 3, line 17, of the printed bill, strike out the word "of", and in line 18, strike out the words "not exceeding \$1,500 per annum".

Also Insert a new paragraph after the word "municipality", in line 28, page 4, of the printed bill, reading as follows: "The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: Shall the administration of the municipality be divided into five departments as follows: insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive). 'Yes' and 'No' so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter'."

Also, In line 14, on page 1, of the printed bill, strike out the "i" after the word "ago."

Also, In line 14, on page 1, of the printed bill, insert after the word "No," a

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 100 by the following vote:

AYES: Senators Ayes, Bill, Bush, Bush, Burton, Bryant, Campbell, Campbell, Cartwright, Curtis, Gilroy, Gurnea, Hawley, Hawley, Lewis, Regan, Rush, Sanford, Shattuck, Tipton, Walker, West, and Wright—25.
 NOES: None.

Senate Bill No. 119 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 940?"

On page 15, Section 22, line 12, of the printed bill, insert after the word "the," where it appears at the beginning of said line, and insert at the end of the word "has."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 940 by the following vote:

AYES: Senators Ayes, Bill, Bush, Bush, Burton, Bryant, Campbell, Campbell, Cartwright, Eschbach, Gurnea, Hawley, Hawley, Hawley, Lewis, Regan, Rush, Sanford, Shattuck, Shattuck, Tipton, Walker, West, and Wright—25.
 NOES: None.

Senate Bill No. 940 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 953?"

On page 2, Section 274A, line 28, of the printed bill, after the word "sentence", insert the words "of imprisonment of the people, and."

Also, On page 2, Section 274A, line 31, of the printed bill, after the words "is had", strike out the words "in the Senate Conference."

Also, On page 2, Section 274A, line 32, of the printed bill, after the words "counts and", strike out the words "of the Board of Examiners of the State of California which shall work as provided by a state department of information, or upon state records or otherwise, as shown after some work, or a person under sentence to a state prison, or in punishment."

Also, On page 2, Section 1, line 16, strike out the word "and" where it last appears in said line.

Also, On page 2, Section 1, line 17, strike out the words "compellable witness"; also, strike out "may", and insert in line 18, after the word "adjudge."

Also, On page 2, Section 1, line 20, strike out the word "shall" where it first appears, and insert in line 19, after the word "may."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 953 by the following vote:

AYES: Senators Ayes, Bill, Bush, Bush, Burton, Bryant, Burnett, Cameronetti, Campbell, Cartwright, Eschbach, Gurnea, Hawley, Hawley, Lewis, Regan, Rush, Sanford, Shattuck, Shattuck, Tipton, Walker, West, and Wright—24.
 NOES: None.

Senate Bill No. 952 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1011?"

On page 1, of the printed bill, amend the title to read as follows: "An Act to amend section eleven hundred and ninety-one of the Penal Code of the State of California, relating to the time for pronouncing judgment."

Also, On page 1, Section 1, line 1, after the word "Code", insert the following: "of the State of California".

Also, On page 1, Section 1, line 5, insert a comma after the word "acquittal".

Also, On page 1, Section 1, strike out the brackets appearing in lines 5, 6 and 7.

Also, On page 1, Section 1, line 7, strike out the comma appearing after the word "days".

Also, On page 1, Section 1, line 14, strike out the word "but", and in lieu thereof insert the following: "provided, however, that".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1011 by the following vote:

AYES—Senators Avey, Bell, Bills, Bryant, Campbell, Cartwright, Estudillo, Gates, Hans, Hewitt, Holohan, Regan, Rush, Sanford, Shanahan, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 1011 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1029?"

On page 1, Section 1, strike out line 11, and insert in lieu thereof the following: "and is for the purpose of constructing, equipping, using, maintaining or operating any works, road, railroad, tramway, power plant, telephone line, or other necessary works or structures, for the preparation, manufacture, handling or transporting of any material or supplies required in the construction or completion by such municipal corporation of any public work, improvement, or utility, a".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 1029 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Lewis, Regan, Rush, Sanford, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wright—26.

NOES—None.

Senate Bill No. 1029 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 996?"

In line 43, page 3, of the printed bill as amended, insert after the word "of", the words "any of".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 996 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Cartwright, Cassidy, Curtin, Gates, Hans, Hewitt, Lewis, Regan, Rush, Sanford, Stetson, Strobbridge, Tyrrell, Walker, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 996 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 758?"

On page 3, of the printed bill, strike out all of lines 78 and 79.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 758 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Lewis, Regan, Rush, Sanford, Stetson, and Tyrrell—22.

NOES—None.

Senate Bill No. 758 ordered to enrollment.

MOTION.

Senator Curtin moved that Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek station, in Mariposa County, California, and making an appropriation therefor—be recalled from the Committee on Finance, and ordered on file without reference to committee.

Motion carried.

Assembly Bill No. 36 ordered recalled from the Committee on Finance, and ordered on file.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Bills Nos. 2, 24, 1074 and 107—An Act to amend Section 671 of the Civil Code to restrict the ownership of real estate—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Sanford moved that the further consideration of Committee Substitute for Senate Bills Nos. 2, 24, 1074 and 107 be made a special order for Tuesday, March 21, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

MESSAGES FROM THE ASSEMBLY—JUST RECEIVED

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 20, 1911.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, apartments and equipment of the California Polytechnic School.

Also, Senate Bill No. 952—An Act to amend Section 7 of an Act entitled "An Act to provide for work upon drains, levees, ditches, canals, piers, and wharves, and for the construction of sewer systems, drainage canals," approved March 18, 1882, and all Acts amendatory thereto, by extending Section 7 of said Act, relating to contracts for work to be done.

Also, Senate Bill No. 988—An Act to authorize issues of the first and one-half class to have and exercise jurisdiction in certain cases within of their territorial limits.

Also, Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight, relating to the removal or retention of realty, crops and personal property, under contract on lands or rights of way taken for such highway, highway, canal or other purposes, under the right of eminent domain, and to amending the same relating to relocation.

Also, Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also, Senate Bill No. 1140—An Act to amend Sections seven and twelve of an Act entitled "An Act to establish public courts or offices at the first and one-half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1907, relating to the prosecuting attorney, and to the service of appointments for writs at various courts in cases arising in said courts, and to the imprisonment of persons committed in said courts, and to add a new section to said Act to be numbered section five and one-half, relating to the presiding judges of such courts.

Also, Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District Number 832," and providing for the control and management thereof.

Also, Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District Number 833," and providing for the control and management thereof.

Also, Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wharves, for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Also, Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions thereon.

Also, Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Also, Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 95, 952, 988, 990, 1123, 1140, 1254, 1255, 742, 743, 1175, and 1176 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1183, the same was taken up for consideration.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Lewis, as a special committee of one, to amend Section 2, by adding the following words:

"Nothing in this Act shall be construed as abolishing the positions of janitor and clerk to janitor in the office of the Secretary of State, nor their duties, other than the purchasing of supplies and supervision, care and maintenance of the Capitol building."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT. Your special committee of one, to whom was referred Assembly Bill No. 1183, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEWIS, Committee.

SENATOR EXCUSED FROM VOTING.

Senator Cartwright asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 1183.

Report read.

The question being on the adoption of the report, the roll call was demanded by Senators Walker, Black, and Boynton.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Cassidy, Hurd, Juilliard, Larkins, Martinelli, Sanford, Shanahan, Wolfe, and Wright—14.

NOES—Senators Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Gates, Hare, Hewitt, Holohan, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—21.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1183 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cutton, Estadillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Welch—30.

NOES—Senators Cassidy, Martinelli, Sanford, Wolfe, and Wright—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECORDS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENROLLMENT AND COMMITTEES

SENATE CHAMBER, SACRAMENTO, March 21, 1911

MR. PRESIDENT: Your Committee on Engraving and Enrollments have reported Senate Bill No. 532—An Act to amend the Act entitled "AN ACT to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1884, by inserting Section 533 thereof relating to the provisions requiring that public work shall be done on contract.

Also, Senate Bill No. 1016—An Act to provide for the printing, compilation and publishing of an official and semi-official directory for the State of California, and making an appropriation therefor.

Also, Senate Bill No. 1009—An Act relating to truck shares and defining the same, and to provide dealing in futures and gambling to be necessary to life and other contracts.

Also, Senate Bill No. 734—An Act to amend Section 1290 of the Political Code, relating to salaries, fees and emoluments of county officers, their deputies and assistants.

Also, Senate Bill No. 1073—An Act to amend Section 6796 of the Penal Code.

Also, Senate Bill No. 968—An Act to amend section one hundred and sixty-four of the Penal Code defining the punishment for rape.

And report that the same have been partially engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 532, 1016, 1293, 734, 1073 and 968 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911

MR. PRESIDENT: Your Committee on Engraving and Enrollments, to whom was referred Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the general fund in the state treasury and making an appropriation therefor.

Also, Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury and making an appropriation therefor.

Have had the same under consideration and respectfully report that Assembly Bill No. 1571 is identical with Senate Bill No. 1257 and recommend that Senate Bill No. 1257 be withdrawn.

CASSIDY, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Under the terms of Rule 31 of Standing Rules of the Senate, Senate Bill No. 1257 and Assembly Bill No. 1571 having been reported identical by the Committee on Engraving and Enrollment, Senate Bill No. 1257—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury and making an appropriation therefor—was considered withdrawn.

And: Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury and making an appropriation therefor—ordered on second-reading file of Assembly bills.

SUSPENSION OF RULES.

Senator Martinelli moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to the following visiting students from Berkeley High School to Senate Chamber March 21, 1911:

Miss Hazel Pfitzer
Miss Frances Roelen
Miss Ellen Briggs
Miss Marguerite Boone
Miss Eunice Steeb
Miss Mary Sorelle
Miss Edna Rankin
Miss Irma Klaus
Miss Elizabeth Glenn
Miss Margaret Weeks
Miss Alice Freuler
Miss Lois Woods
Miss Elsa Marston
Miss Ruby Lamb
Miss Gladys Thayer
Miss Blanche Lotta
Miss Aileen Clark

Miss Phoebe Bunker
Miss Marguerite Darch
Ray Allen
Earl Meyers
Will Claypool
Leslie Dent
Edw. Valentine
Willis Montgomery
Richard Stevens
George Ambrose
Whitney Redmond
Harry Gefkin
Howard Roberts
Chas. Austin
Robert Forbes
Bert West
Colis Mitchum

Earl Parrish
Otis Marston
Eugene Sturgis
Joseph Sturgis
Wendell Henderson
Geo. Geary
Harry Geary
Benj. Wheeler
Ralph Hoyt
Wm. Hoyt
W. McCord
Carl Biedenbach
Kersey Griffiths
Ming Lowe
Cyril Sinclair
Harold Risdon
Kenneth Thompson

Under direction of Mr. Wm. John Cooper, history department, and Mrs. Cooper and son, Curtis Cooper.

MOTION.

Senator Wolfe moved that Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener," approved March 21, 1907—be recalled from the Committee on Public Buildings and Grounds and be re-referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 1289 ordered recalled from Committee on Public Buildings and Grounds and re-referred to Committee on Finance.

SENATOR BELL IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Bell, of the Thirty-sixth District, in the chair.

TIME OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Senator Shanahan, the hour of recess was extended five minutes.

MOTION TO RECONSIDER

In compliance with his notice, given on previous day, Senator Gates moved that the vote whereby Senate Bill No. 963—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET

Senator Canniffetti moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 963 was passed be made a special order for Thursday, March 21, 1911, immediately after the consideration of the third reading of Assembly bills.

Motion carried.

TIME OF RECESS EXTENDED

At twelve o'clock and thirty five minutes P. M., on motion of Senator Boynton, the hour of recess was extended five minutes.

SECOND READING OF SENATE BILLS—(OUT OF ORDER)

On motion of Senator Boynton, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Bill read second time, ordered engrossed and on file for third reading.

Senate Bill No. 242—An Act to amend section one thousand four hundred and sixty nine of the Code of Civil Procedure of the State of California, providing for the assigning and setting apart of the property of small estates of decedents for the use and benefit of widows and minor children.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, at title, line 6, strike out the word "and" after the word "children" and insert in line thereof a comma and add the following: "and removing all Acts and parts of Acts in conflict with this Act."

Amendment adopted.

Also

On page 1, Section 1, line 4, after the figures "1489", strike out all of the rest of Section 1, and insert in line thereof the following: "Estate's having a net value of twenty five hundred dollars or less shall be assigned to the family of the deceased as follows:

1. If, upon the return of the inventory of the estate of a deceased person, it shall appear therefrom that the value of the whole estate does not exceed the sum of two thousand dollars and there are a widow and no minor child of the deceased, or only one minor child and no widow, the court or a judge thereof shall, by order, require all persons interested to appear on a day fixed, to show cause why the whole of the estate should not be assigned and set apart for the use and benefit of the family of the deceased. Notice thereof shall be given and proceedings had as provided in sections one thousand six hundred and thirty-seven, one thousand six hundred and thirty-five, and one thousand six hundred and thirty-eight of this code.

2. If, upon the hearing the court finds that the value of the estate does not exceed two thousand five hundred dollars and that there are two or more minor children of the deceased and no widow, or a widow and a minor child or children of the deceased,

it shall by a decree assign and set apart to the minor children, if there be no widow, or to the widow for the benefit of herself and such minor child or children, as the case may be, the whole of the estate, provided that all property so set apart under and pursuant to the provisions of subdivision one and subdivision two of this section shall be subject to whatever unsatisfied mortgages, liens or incumbrances there may have been upon the estate or property at the time of the death of the deceased, after the payment of the expenses of the last illness of the deceased, funeral charges and the expenses of administration, and claims filed and allowances for necessities of life furnished the deceased, or his family within six months prior to his death, and the title thereto shall vest absolutely in the person or persons to whom the property shall be so assigned and set apart, and there must be no further proceedings in the administration unless further estate be discovered.

3. If, upon the return of the inventory, and after the expiration of the time for filing claims, it shall appear that the value of the whole estate, over and above the amount of claims filed and allowed, and valid liens, does not exceed the amount to which the widow and children would be entitled under subdivisions one and two thereof, the court or a judge thereof shall, by order, require all persons interested to appear on a day fixed to show cause why said estate should not be assigned for the benefit of the family of the deceased in the same manner as is provided in subdivisions one and two of this section, to the amount of twenty-five hundred dollars. Notice thereof shall be given and the same proceedings had as is provided for in subdivisions one and two hereof. If, upon the hearing the court finds that the net value of said estate, over and above all claims and incumbrances, does not exceed the sum of twenty-five hundred dollars, it shall by decree assign to the family of the deceased in the manner heretofore provided, from the assets of said estate such portions thereof as may be selected by the widow, or the guardian of the minor children of said estate, if there be no widow, of the value not to exceed twenty-five hundred dollars, after the payment of the expenses of the last illness of the deceased, funeral charges, expenses of administration and claims filed for the necessities of life, furnished to the family of the deceased within one year before his death, and there must be no further proceedings in the administrations of said estate unless further estate be discovered."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 242.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 10, strike out the following: "church", and insert in lieu thereof the following: "or church".

Amendment adopted.

Also:

On page 2, Section 1, line 46, before the word "buy", strike out the word "to", and insert in lieu thereof the following: "may".

Amendment adopted.

Also:

On page 2, Section 1, line 46, strike out the following: "in every".

Amendment adopted.

Also:

On page 2, Section 1, line 48, strike out the word "to", and insert in lieu thereof the following: "and may".

Amendment adopted.

Also:

On page 2 Section 1, line 50 after the word "person" strike out the word "may."

Amendment adopted.

Bill read second time, ordered to print engrossment and third reading.

RUSH ORDER TO PRINTER

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 1287.

Committee Substitute for Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title three, part three of the Political Code relating to the establishment of industrial, technical and agricultural training in the public schools.

During second reading of the bill, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 411

An Act to create the State Commission of Industrial Education; to provide for its organization, to define its powers and duties, to provide for and fix the compensation of its officers and employees and define such powers and duties and the powers and duties of members, staff and agents and assistant trustees of education and trustees of districts organized and established for the government of any of the secondary and elementary schools of the State.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The general supervision and control of industrial education shall be vested in a State Commission of Industrial Education, hereby created, which shall consist of the ex officio members hereinafter named and three citizens of the State, at least one of whom shall be engaged in industrial pursuits. The members of the commission other than the ex officio members thereof shall be appointed by the Governor within thirty days after the passage of this Act and those first appointed shall serve for one, two and three years respectively. The terms of the first appointments shall be designated by the Governor at the time of their appointment and thereafter one member shall be appointed each year for a term of three years. In case of a vacancy the successor shall be appointed by the Governor for the unexpired term only. The Governor shall have the power to remove any commissioner for cause when such removal will promote the efficiency of the service, and fill the vacancy so caused in the same manner as other vacancies are filled. The Governor and Superintendent of Public Instruction shall be ex officio members of the commission.

SEC. 2. The Governor shall be chairman. And the Superintendent of Public Instruction secretary of the commission.

SEC. 3. The members appointed as aforesaid shall receive no compensation for their services. All necessary expenses incurred in the performance of their duties shall be authorized, allowed and paid as other claims against the State are ordered and paid, and upon being so ordered and allowed the Controller shall draw his warrant therefor and the Treasurer shall pay the same.

SEC. 4. The State Commission of Industrial Education shall have power:

1. To promulgate and adopt by-laws not inconsistent with law for its own government;

2. To elect a vice-chairman with power to act and exercise all the authority of the chairman in the absence of the latter, and also to elect such other officers as may be authorized by this Act.

3. To prescribe and enforce rules and regulations, not inconsistent with law, to carry into effect the provisions and purposes of this Act, including the employment of teachers in the industrial schools which may be organized and established thereunder; *provided*, that no employment of a teacher therein shall be valid until approved by such commission.

4. To appoint an executive officer for said commission to be designated the Organizer and Inspector of Industrial Education. No person shall be eligible to appointment as such organizer and inspector who shall not have had at least five

years' experience in industrial or technical training and possess a certificate of graduation from a university or institute having a department for the preparation of teachers for industrial and technical schools. The organizer and inspector shall perform such duties as may be provided by law and shall be assigned to such officer by said board. The organizer and inspector shall superintend the organization and establishment of industrial schools, and shall inspect the same from time to time when in operation:

5. To employ, when appropriations therefor are made by the Legislature, such clerical and expert assistants as the commission may deem necessary and fix their compensation; *provided*, that the salaries of such assistants shall not exceed in any one year the amount appropriated for such duties:

6. To make out and audit claims of the members and officers thereof for necessary expenses incurred in the performance of their official duties and transmit the same to the Board of Examiners provided by law to audit and pass upon claims against the State.

SEC. 5. The commission shall report biennially to the Governor a history of the work and the progress thereof. The Governor shall cause such report to be transmitted to the Legislature together with his recommendations thereon.

SEC. 6. The salary of the organizer and inspector shall be three thousand six hundred dollars per annum payable at the time and in the manner that the salaries of state officers are paid.

SEC. 7. Industrial schools shall be of two classes, viz:

Class A. Industrial schools in which only industrial branches and methods are taught.

Class B. Industrial schools which are taught in connection with any of the schools now established as secondary or elementary schools; *provided*, that in elementary schools instruction of the nature provided by this Act shall be confined to grades above the sixth grade.

SEC. 8. Whenever any county, city and county, or municipal board of education, or any board of trustees or other governing body of any of the schools included in the secondary or elementary schools of the State, shall certify, or shall have certified and filed with the said State Commission of Industrial Education that not less than twenty-five pupils enrolled in any of such schools or students above the sixth grade or as otherwise provided by this Act, are prepared to organize an industrial school either of Class A, or Class B, under the provision of this Act, the State Commission of Industrial Education shall consider the same and if in its judgment such proposed industrial school can with the aid of the State be maintained at the place indicated in such certificate, with profit to said pupils and the cause of industrial education, shall order the same organized and established and shall authorize and direct the Organizer and Inspector of Industrial Education to take the necessary steps therefor.

SEC. 9. Each school organized and established under the provisions of this Act shall be assigned to the proper class and shall bear the name of the city or town or district, in which it is established.

SEC. 10. It shall be competent in such enrollment for such industrial school for any resident of the county, city, town or district where such proposed school is to be located or of the vicinity thereof under the age of twenty-one years to join the same though not an attendant of any secondary or elementary school; *provided*, that after enrollment as aforesaid a student may continue to take instruction in industrial schools though beyond the age of twenty-one years.

SEC. 11. Whenever an industrial school shall have been organized and established as provided by section eight of this Act, the State shall allow for the maintenance of said school a per capita allowance equal to that allowed for pupils enrolled in the elementary schools of the State, to be computed in the manner, by the officers and paid to the officers, as now provided for the per capita allowance made for the elementary schools; *provided*, that when a county, city and county, municipality or district, shall by taxation or donation contribute for such industrial education a definite sum of money for any one year, there shall be appropriated and paid to said county, city and county, municipality or district, in the same manner and from the same fund as hereinabove provided for the said per capita allowance a sum double in amount of such contribution; *provided, however*, that the money so appropriated and paid by the State other than said per capita allowance aforesaid, shall not in any one year exceed the sum of three thousand dollars for any county or city and county.

SEC. 12. Any county, city and county or municipal board of education, or board of trustees or other governing body of any of the schools included in the secondary or elementary schools of the State applying for the organization and establishment of an industrial school, in such county, city and county, municipality or district, shall have the charge and supervision thereof subject to the orders of the State Commission of Industrial Education.

SEC. 13. The State Commission of Industrial Education shall within ten days after authorizing and directing the Organizer and Inspector of Industrial Education to organize and establish an industrial school, prescribe such course of study and methods therein as may be desired therefor and suitable for the training and education of pupils in the several branches of industry.

SEC. 14. The money raised and appropriated as provided in section eleven shall be used and applied under the direction of the board of education of the county, city and county, municipality, or district, in which an industrial school or schools may be established, to the purchase of supplies and equipment for such school or schools and for the payment of salaries of the teachers thereof.

SEC. 15. It shall be lawful for any board of education of any county, city and county, municipality, or district or the board of supervisors of any county, or city and county, to add such industrial schools by appropriations from any fund not otherwise appropriated or from the general fund, or by taxation, to provide funds to maintain and support such industrial schools, and for that purpose may levy taxes in the same manner as is now provided by law, for other school purposes.

SEC. 16. County, city and county, municipalities and school districts, or other governing body of any of the schools included in the territory of the industrial schools of the State, may receive and accept gifts, donations, bequests and devises to be used for the purpose of giving industrial education to the school or schools under their charge and supervision, or for the establishment of new schools thereon.

SEC. 17. The board of education or board of trustees having under its supervision an industrial school or schools shall not be permitted to appropriate moneys for the necessary expenses for the support of the school or schools established under this Act, and shall determine whether or not tuition fees shall be charged, and the amount of same, subject, however, to the approval of the State Commission of Industrial Education. Such board shall report annually to the commission.

SEC. 18. The State Commission of Industrial Education may, in its discretion, provide for lectures or courses of lectures to be given on various subjects of the State for the aid and encouragement of industrial education, and the extension thereof, and may cause to be composed texts and other printed matter for the use of the schools coming under the provisions of this Act.

SEC. 19. Any resident of any municipality or school district in this State, in which there is no industrial school as contemplated by this Act may attend any industrial school located in any municipality or district, other than that in which he resides, and the municipality or district in which such resident resides shall pay to the municipality or district maintaining the industrial school that such resident shall attend, such tuition fee as may be fixed by the State Commission of Industrial Education, and it shall be lawful for the governing authority of such municipality, or district, to pay such tuition fee, and it is hereby authorized for such purpose to proceed as provided in section fifteen of this Act.

SEC. 20. This Act shall be in force and take effect July 1, 1911.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER

On motion of Senator Strobridge, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Bill No. 411.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article, to be designated and numbered Article IXa, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools.

Bill read second time, ordered engrossed, and on file for third reading.

REPORT OF STANDING COMMITTEE— OUT OF ORDER.

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT. Your Committee on County Government, to whom was referred Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the

State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Also: Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Senate Bill No. 1286 ordered on file for second reading.

Assembly Bill No. 802 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER)

The following resolution was introduced:

By Senator Tyrrell:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and instructed to forward, postage or express prepaid, to each member of the Senate, after the adjournment of the Legislature, or as soon thereafter as practicable, three copies of the laws and statutes in chapter form of the thirty-ninth session of the Legislature; and be it further

Resolved, That the sum of one hundred (\$100.00) dollars be appropriated out of the Contingent Fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for packing and for express charges and postage for the transmission of the laws and statutes, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same; also

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate the sum of two hundred and ninety dollars (\$290.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to Senators to their places of residence at the close of the session. The Sergeant-at-Arms of the Senate shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Roseberry asked for, and was granted, unanimous consent to take up Assembly Bill No. 357 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Hewitt, as a special committee of one, to amend as follows:

By striking out of Section 6, line 3, the words "ascending or descending".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 357, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, MARCH 21, 1911.

MR. PRESIDENT: Your committee on Finance, to whom was referred Assembly Bill No. 164—An Act seeking an appropriation of one hundred and fifty thousand dollars (\$150,000.00) to be paid for and expended by the Attorney General of the State of California, ex officio, Quartermaster General, being an additional appropriation for the purpose of entering into the purchase of an Act entitled "An Act to provide for the building, equipping, and furnishing of six vessels to be used for the National Guard and National Guard reserves in the city of Los Angeles, and to make an appropriation thereof," approved March 25, 1909, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CUTTEN, Chairman.

Assembly Bill No. 164 ordered on file for second reading.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER)

On motion of Senator Strickland, the second reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for and to construct and maintain, jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226, and 3227, relating to weights and measures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be

numbered three hundred and seventy-four (*a*), relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, line 14, Section 1, between the words "State" and "and", insert the following: "at any point therein, within twenty miles of any point on the coast line of the State."

Amendment adopted.

Also:

On page 2, Section 1, line 22, between the words "State" and "is", insert the following: "at any point therein, within twenty miles of any point on the coast line of the State."

Amendment adopted.

Also:

On page 2, Section 1, line 23, between the words "misdemeanor" and "provided" insert the following: "and no scow, barge, float, hulk, or any steam or sailing vessel, or any vessel of any kind, upon which any garbage, swill, refuse, cans, bottles, paper, or vegetable matter, or the carcass of any dead animal, or the offal from any slaughter pen or butcher shop, or any trash or rubbish has been loaded with the intent that the same shall be dumped or deposited therefrom upon any of the waters of the Pacific Ocean where permitted by this section, shall leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Board of Health, or where such point of departure is within a municipality, then by such municipality, and it shall be the duty of such inspector to enforce the provisions of this section, and the captain, or other person in charge of any such scow, barge, float, hulk, steam, sailing or other vessel, so leaving without carrying such inspector during the entire trip is guilty of a misdemeanor."

Amendment adopted.

Also:

On page 1, strike out all of the title, and insert in lieu thereof the following: "An Act to add a new section to the Penal Code to be numbered three hundred and seventy-four (*a*), relating to the dumping of garbage or other refuse upon the navigable waters of the State of California, or upon the waters of the Pacific Ocean."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California to be known as Section 532*a*, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 30 and 31, strike out all of lines 30 and 31, and insert in lieu thereof the following: "by imprisonment in the state prison not exceeding five years or in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out all of lines 3, 4, 5, 6, and 7, and insert in lieu thereof the following:

"2924. Every transfer of an interest in property, other than in trust, made only

as a security for the performance of another Act is to be deemed a mortgage, except when in the case of personal property it is constituted by actual change of possession, in which case it is to be deemed a pledge. Deeds of trust made as security for debt shall be deemed to be sales of the property by the trustee. Before making said sale the trustee shall give notice by advertisement, as in the deed of trust required, but in no case less than seven or more not of less than seven days, and by delivering a notice in writing, not less than three weeks before said sale, to the person in possession of said premises if said premises are occupied, and to the person named, or named in the place of residence of the person in whom the estate in which such premises is situated, and be known to the trustee, and to the agent of the agent of residence of such owner, he not known to the trustee, or to be without the county, in which the property is situated, then notice of said proceedings shall be mailed to said owner at a place to be designated in the deed of trust. After making said sale, the trustee shall record a certificate of said sale showing among other things, the time and place of said sale, the time of the previous deed, and the price for which said property, together with the amount that should such sale be redeemed within three months after the date of the recording of said certificate, that the trustee will execute a deed for the property as sold. If the owner of said premises or his successor in interest shall redeem the property within three months after the date of the recording of said certificate by paying to the trustee the amount of said purchase price, together with interest at the rate of one per cent per month from the date of said sale, the effect of said sale shall be nullified and the owner be restored to his estate. Upon said redemption the trustee shall execute a certificate of redemption which shall be recorded in the office of the county recorder of the county in which said property is situated, and the recording of said certificate shall cancel the title of said property at the first meeting for said deed of trust, and the sale thereunder. If such property be not so redeemed, the trustee shall execute a deed to the purchaser or his successor, which deed shall pass title to said property.

Amendment adopted

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1053—An Act to amend Section 1426a of the Civil Code, relating to fees of county recorders.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1537—An Act to amend Section 4093a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half-orphans.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 700—An Act to amend Sections 4090, 4097, 4101, and 4102 of the Political Code, in relating to the duties of county auditors, county treasurers, district attorneys, and chairmen of boards of supervisors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

During second reading of the bill, the following amendment was submitted by committee:

On page 9, Section 1, of the printed bill, after line 288, insert the following: "Sec. 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, line 51, of amended bill, strike out the period and insert in lieu thereof a semicolon and the following words: "provided, that in counties of this class there shall be allowed one deputy who shall be appointed by the district attorney, and who shall receive a salary of one thousand dollars per year, to be paid, in equal monthly installments, out of the same fund, at the same time, and in the same manner as the salary of the district attorney is paid."

Amendment adopted

Also:

On page 4, line 106, of amended bill, strike out the word "one", following the word "than", and insert in lieu thereof the word "two".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support, and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections, of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, insert after the word "designated" the words "by the sheriff".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

ANNOUNCEMENT.

The President of the Senate announced that he recalled Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof— from the Committee on Agriculture, Dairying, Fruit and Vine Interests and re-referred Assembly Bill No. 1331 to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Campbell:

WHEREAS, Under the provisions of the report of the Chief of Engineers, United States Army, printed in Document No. 1084 of the House of Representatives of the United States, sixty-first Congress, third session, there is contained a recommendation for the construction of a breakwater in Monterey Bay, California, in aid of commerce and navigation and estimating the cost thereof at the sum of \$800,000; and

WHEREAS, The said recommendation was made conditional upon an appropriation either by the local community affected thereby or by the State of the sum of \$200,000 and

WHEREAS, The Legislature of the State of California at its thirty-ninth session passed, and the Governor of the State has approved, an Act providing for an appropriation of said sum of \$200,000, conditional on the appropriation of the sum of \$600,000 by the Congress of the United States for the construction of said project; therefore, be it

Resolved by the Senate of the State of California, That the Congress of the

in conjunction with the said Government steamship and railroad line to the great benefit of the shippers of California; and

WHEREAS, Leading commercial bodies of the State have declared that a powerful effort is now being made to kill off that competition and thus deprive California shippers of the benefit of competitive transportation rates between Pacific coast ports and the ports of the Gulf of Mexico and the Atlantic seaboard; and

WHEREAS, It is of great importance to the industries of the State that such competitive rates should be maintained; therefore, be it

Resolved by the Senate of the State of California and the Assembly, jointly. That we instruct our Senators in Congress and request our Representatives at Washington to do everything in their power to assist in fostering open competition on the great sea highway between the ports on both sides of the continent.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 23 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Black, Boynton, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Holohan, Juilliard, Regan, Rush, Sanford, Shanahan, Strobbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Joint Resolution No. 23 ordered engrossed, and transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the third-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

On motion of Senator Wolfe, Assembly Bill No. 836 was temporarily passed on file, to retain its place.

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

On motion of Senator Holohan, Assembly Bill No. 571 was passed, to be placed at the foot of the file.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ayer, Beban, Bell, Bills, Birdsey, Black, Boynton, Campbell, Campbell, Crittweight, Casady, Currier, Gove, Hays, Hays, Howell, Larkins, Lewis, Rogers, Roseberry, Sanford, Shandhan, Stinson, Thompson, Tuttle, Walker, Wolfe, and Wright—28.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty minutes p. m., Senators Estrella, Hurd, Holohan, and Welch were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

At three o'clock and thirty-one minutes p. m., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Campbell, he was excused for absence from the Senate Chamber.

At three o'clock and thirty-six minutes p. m., Senator Cullen was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At three o'clock and thirty-eight minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Campbell.

The roll of absentees was called, and Assembly Bill No. 241 refused passage by the following vote:

AYES. Senators Black, Campbell, Crittweight, Currier, Hays, Holohan, Larkins, Sanford, Shandhan, Tamm, Walker, and Wolfe—12.

NOES. Senators Ayer, Beban, Bell, Bills, Birdsey, Boynton, Campbell, Casady, Cullen, Estrella, Fann, Gove, Hays, Howell, Hurd, Lewis, Rogers, Roseberry, Stinson, Strobridge, Thompson, Wolfe, and Wright—23.

NOTICE OF MOTION TO RECONSIDER

Senator Campbell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 241 was this day refused passage.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Committee Substitute for Senate Bills Nos. 2, 24, 1074, and 167, the same was taken up for consideration.

Committee Substitute for Senate Bills Nos. 2, 24, 1074, and 167—An Act to amend Section 671 of the Civil Code, to restrict the ownership of real estate.

Read third time.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At three o'clock and fifty minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER (RESUMED).

COMMITTEE SUBSTITUTE FOR SENATE BILLS Nos. 2, 24, 1074, AND 167.

SENATOR HOLOHAN IN THE CHAIR.

At four o'clock P. M., Senator Holohan, of the Twenty-ninth District, in the chair.

CONSIDERATION OF SPECIAL ORDER (RESUMED).

COMMITTEE SUBSTITUTE FOR SENATE BILLS Nos. 2, 24, 1074, AND 167.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 2, 24, 1074, and 167 passed by the following vote:

AYES—Senators Avey, Bohan, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, and Wolfe—29.

NOES—Senators Bell, Thompson, and Wright—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 23 Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States and report the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Joint Resolution No. 23 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article to be designated and numbered Article IXa of Chapter III of Article III of Part III of said Code, relating to elementary and secondary schools.

Also: Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Also: Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation.

And report that the same have been correctly engrossed.

CASSIDY, Chairman

Senate Bills Nos. 51, 1064, and 1172 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs—and report the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 1281 ordered on file for third reading.

PRESIDENT PRO TEM. ROYSTON IN THE CHAIR.

At four o'clock and thirty minutes p. m., Hon. A. E. Royston, President pro tem. of the Senate, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Hare moved that the vote whereby Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains—was finally passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Hare moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 136 was finally passed be made a special order for Wednesday, March 22, 1911, at three o'clock and thirty minutes p. m.

Motion carried.

SENATOR STETSON IN THE CHAIR.

At four o'clock and forty minutes p. m., Senator Stetson, of the Fifteenth District, in the chair.

MOTION.

Senator Wolfe moved that Section 2 of Article IV of the Constitution, and the provision of that section thereof requiring that no bill shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members thereof, be suspended, and that he be permitted to introduce a joint resolution.

The roll was called, and the constitution suspended by the following vote:

AYES—Senators Ayer, Robson, Bell, Beck, Black, Bryant, Caminetti, Campbell, Cartwright, Cassady, Curtin, Eschscholtz, Finn, Gates, Hans, Hewitt, Holstein, Judd, Lard, Watkins, Lewis, Reagan, Raschberry, Sayford, Shattuck, Stetson, Strobridge, Thompson, Farrell, Walker, Welch, Wolfe, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

The following bills, etc., were introduced:

Relative to the treatment by the Russian Government of its citizens, by reason of their religious belief or political views.

SUSPENSION OF RULES.

Senator Wolfe moved that Senate Joint Resolution No. 28 be placed on file without reference to committee.

Motion carried.

SENATE JOINT RESOLUTION No. 28.

Relative to the treatment by the Russian Government of its citizens, by reason of their religious belief or political views.

WHEREAS, The Russian Government has imprisoned hundreds of prominent Armenians who are teachers, lawyers and editors and all of whom are in the forefront of progressive thought and action, in the prisons of Rostov and other towns

in the monarchy of Russia, and has kept these men confined for a long period of time without giving them any preliminary hearing or opportunity to present their cases to any court, which is revolting to the sense of justice of all mankind; and

WHEREAS, The said Russian Government has frequently tolerated riot, pillage, outrage and murder of men, women and children by reason of their religious belief; and

WHEREAS, Such acts are a disgrace to civilization and repugnant to all people who love justice and fear God; now, therefore, be it

Resolved by the Senate and Assembly jointly, of the thirty-ninth Legislature of the State of California. That we believe the time has arrived in the affairs of this world when it becomes necessary for every civilized nation to protest against such conduct on the part of any other nation and we do hereby express our abhorrence of the treatment accorded these men of Armenia because of their political convictions and to other men, women and children because of their religious belief; and be it further

Resolved. That in the opinion of the Legislature of the State of California, the time has arrived when there should be a concert of action between all nations that lay claim to civilization and enlightenment to compel the observance on the part of any other nation of the laws of humanity and common justice towards its citizens: and be it further

Resolved. That copies of this resolution be sent to the President of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives, earnestly urging them to use their good offices to secure to the Armenians herein referred to a just and public trial without further delay and to stop the recurrence of outrage and murder upon innocent men, women and children, who have sinned only because of their adherence to the faith of their fathers.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 28 adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Larkins, Lewis, Regan, Roseberry, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

NOES—None.

Senate Joint Resolution No. 28 considered engrossed, and ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Cartwright moved that the consideration of Senate Joint Resolution No. 26—Relative to a graduate system of taxation to be enacted by the Government of the United States—be made a special order for Friday, March 24, 1911, at eight o'clock P. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases—was passed, the same was taken up for consideration.

MOTION.

Senator Shanahan moved that the rule limiting the time of debate to five minutes be suspended during the consideration of the motion to reconsider the vote whereby Senate Bill No. 965 was passed.

Motion carried.

MOTION TO RECONSIDER

In compliance with his notice, given on previous day, Senator Gates moved that the vote whereby Senate Bill No. 905—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Gates moved a call of the Senate.

Motion carried.

Time, five o'clock and thirty minutes P. M.

The acting President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Robson, Bell, R. Bell, Black, Burdick, Bryant, Chamberlain, Campbell, Cartwright, Curtis, Gates, Loomis, Pike, Quinn, Hurd, Howell, Johnson, Hurd, Judah, Larkins, Lewis, Matthews, Ryan, Roschopf, Ross, Sanford, Sorenson, Stetson, Strobridge, Thompson, Tyrrell, Wake, Wolfe, and Wiggen. 34.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and forty minutes P. M., Senator Avey was brought to bar of the Senate, and, on motion of Senator Campbell, he was excused for absence from the Senate Chamber.

At five o'clock and forty-two minutes P. M., Senators Bells and Welch were brought to the bar of the Senate, and, on motion of Senator Hurd, they were excused for absence from the Senate Chamber.

MOTION

At five o'clock and forty-five minutes P. M., Senator Caminetti moved that further proceedings under the call of the Senate be dispensed with.

Motion duly seconded.

Motion lost.

MOTION

At five o'clock and fifty minutes P. M., Senator Caminetti moved that further proceedings under the call of the Senate be dispensed with.

Motion duly seconded.

Motion lost.

At six o'clock and six minutes P. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

At six o'clock and twenty-four minutes P. M., Senator Hare was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

ANNOUNCEMENT AND MOTION.

Senator Wright announced that Senators who had answered to their names at the call of the Senate at five o'clock and thirty minutes P. M.,

and a Senator who had subsequently been brought before the bar of the Senate and excused for absence from the Senate Chamber, were absent and he therefore moved a roll call of the Senate.

Motion carried.

Time, eight o'clock and twenty minutes P. M.

The acting President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright 35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and forty minutes P. M., Senator Hare was again brought to the bar of the Senate, and, on motion of Senator Wolfe, he was again excused for absence from the Senate Chamber.

At eight o'clock and forty-two minutes P. M., Senators Campbell, Tyrrell, and Hans were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and ten minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MOTION.

Senator Wright moved that the Secretary of the Senate be requested to call the roll of the Senate in order that the Senate may be informed how many Senators were present.

Motion duly seconded.

POINT OF ORDER.

Senator Shanahan raised the point of order: "That there could be no roll call during the call of the Senate."

POINT OF ORDER WELL TAKEN.

The President pro tem. ruled the point of order well taken.

PERMISSION TO WITHDRAW MOTION.

Senator Wright asked for, and was granted, unanimous consent to withdraw his motion.

At eleven o'clock and fifty minutes P. M., Senator Cassidy was brought to the bar of the Senate.

MOTION.

Senator Wolfe moved that Senator Cassidy be excused for absence from the Senate Chamber.

Motion duly seconded.

SUBSTITUTE MOTION.

Senator Thompson moved as a substitute to Senator Wolfe's motion, that Senator Cassidy be permitted to take his seat, and that the further consideration of Senator Wolfe's motion be made a special order for Thursday, March 23, 1911, immediately after the reading of the Journal.

Substitute motion duly seconded.

The question being on the adoption of the substitute motion by Senator Thompson.

The roll call was demanded by Senators Black, Boynton, and Cartwright.

The roll was called, and the substitute motion refused adoption by the following vote:

AYES. Senators Ayes: Bell, Black, Bishop, Brown, Caffery, Johnston, Gates, Hewitt, Larkin, Roseberry, Stetson, Strobridge, Thompson, and Wright. 15.

NOES. Senators Noes: Black, Bryant, Cassidy, Campbell, Cartwright, Curtin, Finn, Hans, Holahan, Johnson, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe. 21.

The question being on the adoption of the motion made by Senator Wolfe.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DEFERRED WITH

At eleven o'clock and fifty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At eleven o'clock and fifty-five minutes P. M., Lieutenant Governor Albert J. Wallace in the chair.

CONSIDERATION OF SPECIAL ORDER—RESUMED.

SENATE BILL NO. 965.

The roll of the absentees was called, and the President of the Senate announced the vote on the reconsideration of Senate Bill No. 965 as follows:

AYES. Senators Ayes: Bell, Black, Rockwell, Boynton, Curtin, Carson, Estudillo, Gates, Hewitt, Holahan, Hunt, Larkin, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, and Wright. 20.

NOES. Senators Noes: Black, Bryant, Brown, Camarero, Campbell, Cartwright, Cassidy, Finn, Hans, Harp, Johnson, Lewis, Martinelli, Regan, Sanford, Shanahan, Tyrrell, Welch, and Wolfe. 20.

ANNOUNCEMENT.

The President of the Senate announced that the vote to reconsider Senate Bill No. 965, being twenty ayes and twenty noes, under the provisions of Section 15 of the Constitution of the State of California, it was the duty of the President of the Senate to cast the casting vote.

POINT OF ORDER.

Senator Wolfe raised the point of order: "That the casting vote

vested in the President of the Senate was only the vote on the original passage, and not on questions of reconsideration."

RULING ON POINT OF ORDER.

The President of the Senate ruled the point of order not well taken.

ANNOUNCEMENT OF VOTE.

The President of the Senate announced that on the question of reconsideration of the vote whereby Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—was passed, the President of the Senate voted "Aye," and the vote whereby Senate Bill No. 965 was passed reconsidered.

SPECIAL ORDER SET.

Senator Gates moved that the further consideration of Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—be made a special order for Wednesday, March 22, 1911, at two o'clock and fifteen minutes p. m.

Motion carried.

QUESTION OF PERSONAL PRIVILEGE.

Senator Stetson rose to a question of personal privilege and spoke as follows:

MR. PRESIDENT: I desire to make the following statement concerning my vote on Senate Bill No. 965:

I believe the subject of the use of the powers of injunction in labor disputes is one worthy of the most serious consideration. I believe that the trend of judicial decisions in this matter has resulted in a grave condition of the law in this regard, with the liability of abuse in two ways: First, that it leaves to the arbitrary discretion of the court the right to define what acts may be punished as contempt; those acts ordinarily dealing with deportment. Second, the punishment for that contempt is without the right of the accused to a jury trial. At the same time, if by means, fear, threats, annoyance or breach of peace, great and irreparable injury can be inflicted upon the property of another, it seems to me the veriest casuistry to argue that equitable relief shall only be granted to protect property that is tangible, capable of being weighed, handled, or otherwise the object of one of the five senses. Whatever is legitimately of value as the subject of barter or sale and convertible into the same measure of value as tangible property ought likewise to receive the protection of the law, not excepting its courts of conscience—in other words, to be dealt with in the interest of complete justice—partial justice is not justice. The process of the criminal courts is to do justice to the peace and dignity of the State. The process of courts of equity is to do justice as between man and man. The former does not in every case accomplish the latter. The problem is simply how to prevent prevalent abuses without doing it at the price of denying complete justice.

I would favor a commission to examine into this important question, to report to a subsequent Legislature. I am not prepared to accept this proffered bill. It is my constitutional oath that impels me to stand firmly upon the ground herein stated, and as shown by my vote on this bill.

ADJOURNMENT.

At eleven o'clock and fifty-nine minutes p. m., on motion of Senator Wolfe, the President declared the Senate adjourned until Wednesday, March 22, 1911, at two o'clock and fifteen minutes p. m.

IN SENATE

SENATE CHAMBER,

Wednesday March 22, 1911.

Pursuant to adjournment, the Senate met at two o'clock and fifteen minutes P. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avery, Robson, Bell, Biss, Bissell, Black, Boynton, Bryant, Burnett, Cannatta, Campbell, Cardwright, Cassidy, Carter, Cullen, Eastman, Egan, Graves, Hans, Hare, Hewitt, Hutton, Hartz, Jackson, Jackson, Lewis, Marshall, Rogers, Roscherry, Rush, Sanford, Sharp, Shattuck, Shattuck, Stodolage, Thompson, Tyrrell, Walker, Welch, Wells, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Father John H. Ellis, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 21, 1911, the further reading was dispensed with on motion of Senator Rush.

PETITION.

The following petition was presented by Senator Stodolage, and ordered printed in the Journal:

WHEREAS, On the second day of March, 1911, the members of the senior class of the Oakland High School, were presented the privilege of attending the meetings of the Senate and the Assembly of California; and

WHEREAS, These bodies extended unusual courtesies and kindnesses to us, and through their committee effectively provided for our instruction and entertainment; be it

Resolved, That we, the members of the senior class of the Oakland High School, do express our thanks and appreciation to both the Senate and Assembly, and in particular to the officers of these bodies, and to the committee in charge.

MARGUERITE A. CUTTING,
R. H. CHAMBERLAIN, JR.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Senate Constitutional Amendment No. 35 be made a special order for Thursday, March 23, 1911, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 34. A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 34 be made a special order for Thursday, March 23, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 35. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of Assembly Constitutional Amendment No. 35 be made a special order for Thursday, March 23, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Gates moved that the further consideration of Senate Bill No. 965 be made a special order for Wednesday, March 22, 1911, at three o'clock and ten minutes P. M.

Motion carried.

RECESS

At two o'clock and ten minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until three o'clock P. M.

RECONVENED

At three o'clock P. M. the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate in the chair.

SUSPENSION OF RULE

Senator Hurd moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER)

The following reports of standing committees were received and read:

ON RESOLUTIONS

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Committees, to whom was referred Assembly Bill No. 1469—An Act relating to the funding of convalescent hospitals in this State for patients or shortly deceased by their employees—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

ROSEBERRY, Chairman.

Assembly Bill No. 1469 ordered on file for second reading.

ON RESOLUTIONS AND ASSEMBLY

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 1166—An Act to amend Section 2116 of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

RUSH, Chairman.

Assembly Bill No. 1166 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 1482—An Act to amend Section 2116 of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 1482 ordered on file for second reading.

RUSH ORDER TO PRINTER.

On motion of Senator Shanahan, the Secretary was directed to issue a rush order for printing Senate Bill No. 1455.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 965, the same was taken up for consideration.

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Wright, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 16 and 17, the words "or to carry on business of any particular kind, or at any particular place, or at all."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 965, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one, and amendment to Senate Bill No. 965, refused adoption by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Curtin, Cutton, Estudillo, Gates, Hewitt, Holohan, Hurd, Larkins, Roseberry, Stetson, Strobbridge, Thompson, and Wright—18.

NOES—Senators Beban, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Hans, Hare, Juilliard, Lewis, Martinelli, Regan, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe—21.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Gates, as a special committee of one, to amend as follows:

On page 2, Section 2, line 16, strike out the period and insert in lieu thereof a comma and the following: "*provided, however,* that in all labor disputes it shall be unlawful to threaten injury to person or property."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 965, with instructions to amend, respectfully reports the same back, amended as per instructions.

GATES, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one, and amendments to Senate Bill No. 965, refused adoption by the following vote: .

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Curtin, Cutton, Estudillo, Gates, Hewitt, Holohan, Hurd, Larkins, Roseberry, Stetson, Strobbridge, Thompson, and Wright—18.

NOES—Senators Beban, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Finn, Hans, Hare, Juilliard, Lewis, Martinelli, Regan, Sanford, Shanahan, Tyrrell, Walker, Welch, and Wolfe—21.

CONSIDERATION OF SPECIAL ORDER — RECEIVED

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES. Senators: Ledy, B. A. Rogers, B. C. Cresswell, Campbell, Curry, 12 Mr.
 Chase, J. H. Hays, H. H. Johnson, James Maxwell, R. B. Keith, Seward,
 Sherman, T. J. Ward, Wells, and Wells, Jr.

Niles, Searles, Ayer, B., B., E. Bell, B., C., Coffin, Collins, Everett,
Gates, Hewitt, Holahan, Hurd, Larkins, Roschberg, Stetson, Strobridge, Thompson,
and Wendell—18.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESENTED TO THE MEMBERS OF THE CLUB

At four o'clock and twenty-five minutes came Hon. A. E. Boynton, President pro tem of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILL NO. 1000 OF 1991

On motion of Senator Bills, the second reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 802.—An Act to amend the Political Code of the State of California by adding a new section thereto to be known and numbered as Section 404½, relating to indexes of county records.

Bill read second time, and ordered as to the for third reading.

Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00) to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

During second reading of the bill, the following amendments were submitted by committee:

In line 2, of the title of the proposed bill, strike out beginning with the word "to" the rest of the line and all of lines 3 and 4, and insert in lieu thereof a comma.

Amendment adopted.

Also:

In Section 1, line 4, strike out, beginning with the word, "A person," the rest of that line and all words up to and including the word, "General," in line 5, and insert in lieu thereof the following: "Officer or officers authorized by law to receive the same."

Amendment adopted.

Also:

On page 2, Section 2, line 2, of the printed bill, after the word "off", strike out the rest of the line and all of line 3, up to and including the word "General," and insert in lieu thereof the following: "the officer or officers authorized by law to receive the same".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Hurd, the Secretary was directed to issue a rush order for printing Assembly Bill No. 164.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 36—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1571—An Act providing that one half of the cost and expenses of the maintenance and of the salaries of the officers, firemen and crew of the fireboats David Seannell and Dennis Sullivan shall be borne and paid by the State of California.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Black, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Bill read second time, ordered engrossed, and on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also: Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 1367 and 1287 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 702—An Act amending Section 264 of the Penal Code fixing the punishment for rape—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Assembly Bill No. 702 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1081—An Act to amend section five hundred ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Also Assembly Bill No. 361—An Act fixing the salaries of the judges of the superior court of the State of California, and for the benefit of heirs, and providing for the payment thereof.

Also Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Also Assembly Bill No. 2547—An Act to amend Section 264 of the Penal Code of the State of California, relating to the crime of rape.

Also Assembly Bill No. 1179—An Act appropriating seven thousand five hundred and sixty nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on non-judicial process generally.

Also Assembly Bill No. 915—An Act to amend Section 177a of the Penal Code, relating to crimes against public health and safety.

Also Assembly Bill No. 745—An Act to repeal an Act entitled "An Act to establish a Civil Code," approved March 23, 1874, by adding to Section 177a, in its designated and known as Section 177b, relating to the prevention and enforcement of crimes against non-judicial corporations in certain cases.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 1081, 361, 744, 252, 1179, 915, and 745 ordered on file for second reading.

EX FINANCIO.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1284—An Act providing relief to counties by extending the time within which county treasurers are entitled to make semi-annual settlements with the State Controller and State Treasurer, in cases in which such county or such counties have been non-compliance.

Also Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and resolution of drug and security diseases involving the commercial industry of Santa Clara and adjoining counties.

Also Senate Bill No. 1288—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bills Nos. 1284 and 1288 ordered on file for second reading.

Assembly Bill No. 779 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, notes and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, are having the measurements to be used in designing such bridge have had the same under consideration, and respectfully report the same back, and recommend that it do pass as provided.

CUTTEN, Chairman.

Senate Bill No. 963 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Also Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Also Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Assembly Bill No. 287—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Also: Assembly Bill No. 540—An Act to appropriate the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Also: Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Also: Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Also: Assembly Bill No. 923—An Act to provide an appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State, to be held in 1912.

Also: Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Also: Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Also: Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor, and providing an appropriation to carry the Act into effect.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 1253 and 1285 ordered on file for second reading.

Assembly Bills Nos. 221, 222, 225, 287, 540, 687, 921, 922, 923, 925, 1029, 1085, 1400, and 1505 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto, to be numbered Section 7, of Article II thereof, relative to the ineligibility of certain persons to the privileges of electors in this State—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

ESTUDILLO, Chairman.

Senate Constitutional Amendment No. 29 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 1203 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Also Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HEWITT, Chairman.

Assembly Bills Nos. 1560 and 1567 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1083—An Act to amend Section 4244 and 4245 of the Political Code of the State of California, relating to fees and salaries of judges of the peace, have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

HEWITT, Chairman.

Assembly Bill No. 1083 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Committee Substitute for Assembly Bill No. 1317—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of the county and township officers of counties of the twenty-third class, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Committee Substitute for Assembly Bill No. 1317 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and toppings and regulating the trade therein, providing penalties, establishing a state laboratory for foods, drugs and poisons and making an appropriation therefor, approved March 11, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Finance.

REGAN, Chairman.

Assembly Bill No. 69 ordered re-referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of mosquitoes and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Also Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies, to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafés, hotels and confectioneries, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafés, hotels and confectioneries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REGAN, Chairman.

Assembly Bills Nos. 714 and 8 ordered on file for second reading.

RESOLUTION—OUT OF ORDER.

The following resolution was introduced:

By Senator Wright:

Resolved, That Senate Bill No. 1284 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that sec-

tion requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution, suspended, and the resolution adopted by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Curtin, Cullen, Estudillo, Hans, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—31.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1284—An Act providing relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school moneys of such counties have been misappropriated.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1284 passed by the following vote:

AYES—Senators Behan, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Curtin, Cullen, Estudillo, Hans, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Shanahan asked for, and was granted, unanimous consent to take up Assembly Bill No. 1469 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 3, line 1, strike out the word "hereinafter", and insert in lieu thereof the following: "hereafter".

Amendment adopted.

Also:

On page 2, Section 3, line 8, strike out the word "attributable", and insert in lieu thereof the following: "attributable".

Amendment adopted.

Also:

On page 3, Section 4, line 4, after the word "carrier", insert the following: "other than street railroads".

Amendment adopted.

Also:

On page 3, Section 7, line 2, strike out the words "in the existing," and insert in lieu thereof the following: "under the

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

THIRD READING, TITLE OF APPROPRIATION BILLS—OUT OF ORDER.

On motion of Senator Black, the third-reading file of appropriation bills was taken up out of order.

Senate Bill No. 166—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00), to be paid to, and expended by, the Adjutant General of the State of California, ex-officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

On motion of Senator Harb, Senate Bill No. 166 was temporarily passed on file, to retain its place.

Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 passed by the following vote:

AYES—Senators Aaga, Beba, Bell, Bell, Birdsell, Boynton, Caminetti, Cartwright, Carter, Cullen, Eschscholtz, Hays, Harb, Hewitt, Harp, Ingham, Lewis, Martinelli, Ragan, Roseberry, Ross, Shattuck, Stinson, Stedbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—20.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1282 passed by the following vote:

AYES—Senators Aaga, Beban, Bell, Bell, Birdsell, Boynton, Caminetti, Cartwright, Cullen, Cullen, Eschscholtz, Hays, Hewitt, Harp, Jarland, Lewis, Martinelli, Ragan, Roseberry, Ross, Shattuck, Stinson, Stedbridge, Tyrrell, Walker, Welch, White and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BEBAN IN THE CHAIR.

At four o'clock and fifty minutes P. M., Senator Beban, of the Twenty-fourth District, in the chair.

THIRD-READING FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 124 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hans, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1016 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Finn, Hans, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred the following:

Senate Bill No. 1289, by Senator Juilliard, entitled "An Act to amend section twelve hundred and seventy-two of the Penal Code of the State of California," have had the same under consideration, and respectfully recommend that Section 2 of Article IV of the Constitution be suspended, and that the author be permitted to introduce said bill.

BOYNTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Cartwright:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section thereof requiring that no bills shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members thereof, be complied with, and that the author be, and he hereby is, permitted to introduce said bill, recommended by the Committee on Introduction of Bills.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Avey, Baker, Bell, Bills, Birdsell, Black, Boynton, Bryant, Caminetti, Cartwright, Cassady, Carter, Cramer, Egan, Evans, Hays, Hays, Hewitt, Holman, Hurd, Jaulhard, Lewis, Martineau, Rogers, Rosendy, Sweeney, Swenson, Stronbridge, Tyrrell, Welch, Wolfe, and Wright—31.

NOES. None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Jaulhard:

Senate Bill No. 1289—An Act to amend section twelve hundred and seventy two of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At five o'clock p. m., Hon. A. E. Boynton, president pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—[OUT OF ORDER].

Senator Lewis asked for, and was granted, unanimous consent to take up Assembly Bill No. 780 for consideration, out of order.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 780 finally passed by the following vote:

AYES. Senators Baker, Bell, Bills, Birdsell, Black, Boynton, Bryant, Caminetti, Cartwright, Cassady, Carter, Cramer, Egan, Evans, Hays, Hewitt, Holman, Hurd, Jaulhard, Lewis, Martineau, Rogers, Sweeney, Swenson, Stronbridge, Tyrrell, Walker, Welch, Wolfe, and Wright—29.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—[OUT OF ORDER].

Senator Curtin asked for, and was granted, unanimous consent to take up Senate Bill No. 757 for consideration, out of order.

Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 757 passed by the following vote:

AYES—Senators Behan, Bills, Black, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—22.

NOES—Senators Boynton, Rush, and Strobridge—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted, unanimous consent to take up Senate Bill No. 451 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Cartwright, Cassidy, Curtin, Finn, Hans, Hare, Hewitt, Hurd, Juilliard, Martinelli, Rush, Stetson, Strobridge, Thompson, Tyrrell, Welch, and Wolfe—22.

NOES—Senators Birdsall, Boynton, Caminetti, Cutten, Holohan, and Lewis—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to take up Assembly Bill No. 1329 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226, and 3227, relating to weights and measures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1329 finally passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Martinelli, Regan, Rush, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Curtin, the third-reading file of Assembly bills was taken up, out of order.

RESOLUTION.

The following resolution was introduced:

By Senator Cutten:

Resolved, That Senate Bills Nos. 1285 and 1288 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon their passage.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birrell, Black, Raynton, Caminetti, Cartwright, Cassady, Carlin, Cassin, Cassin, Fann, Gates, Hays, Hare, Housden, Howell, Judd, Judd, Lewis, Macomber, Rogers, Ross, Shambaugh, Sisson, Strobridge, Thompson, Wells, and Wright—29.
NOES—None.

CASE OF TREASURY

Senate Bill No. 1285.—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Education, State Controller and State Treasurer in relation thereto.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1285 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birrell, Black, Raynton, Caminetti, Cartwright, Cassady, Carlin, Cassin, Fann, Gates, Hays, Hare, Housden, Howell, Judd, Judd, Lewis, Macomber, Rogers, Ross, Shambaugh, Sisson, Strobridge, Wells, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF TREASURY

Senate Bill No. 1288.—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1288 passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birrell, Black, Raynton, Caminetti, Cartwright, Cassady, Carlin, Cassin, Fann, Gates, Hays, Hare, Housden, Howell, Judd, Judd, Lewis, Macomber, Rogers, Ross, Shambaugh, Sisson, Strobridge, Wells, and Wright—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—RESUMED

Assembly Bill No. 641.—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 641 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1058 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1153 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 79 finally passed by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Corbin, Cullen, Eschscholtz, Finn, Gates, Hare, Hays, Holahan, Juillard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 81—An Act to provide for the building, equipping and purchasing of machinery, for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 finally passed by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Corbin, Cullen, Eschscholtz, Finn, Gates, Hare, Holahan, Juillard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 82 finally passed by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Corbin, Cullen, Eschscholtz, Finn, Gates, Hare, Holahan, Juillard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 76 finally passed by the following vote:

AYES—Senators Avery, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Corbin, Cullen, Eschscholtz, Finn, Gates, Hare, Holahan, Juillard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to provide for the painting, inside and outside, of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hurd, Juilliard, Lewis, Martinelli,

Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Wolfe, Wolfe, and Wright—28.

Notcs—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 768—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park near the city of Sacramento, State of California and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 768 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Cassidy, Curtin, Escudillo, Gates, Hans, Hare, Holohan, Hurd, Juddard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Wolfe, Wolfe, and Wright—29.

Notcs—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plan, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds at Agricultural Park near the city of Sacramento, State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 769 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Cassidy, Curtin, Escudillo, Gates, Hans, Hare, Holohan, Hurd, Juddard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Wolfe, Wolfe, and Wright—30.

Notcs—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 771 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Curtin, Escudillo, Gates, Hans, Hare, Holohan, Hurd, Juddard, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strohbridge, Thompson, Tyrrell, Wolfe, Wolfe, and Wright—32.

Notcs—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction

of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 finally passed by the following vote:

AYES.—Senators Roban, Bell, Bills, Birdsall, Boynton, Bryant, Caminetti, Carwright, Cassady, Curtis, Estabrook, Gates, Hays, Holsahan, Hurd, Juddard, Lewis, Matthews, Reagan, Rush, Sanford, Swenson, Strohbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 finally passed by the following vote:

AYES.—Senators Roban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Carwright, Cassady, Curtis, Estabrook, Gates, Hays, Holsahan, Hurd, Juddard, Lewis, Matthews, Reagan, Rush, Sanford, Swenson, Strohbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1540 finally passed by the following vote:

AYES.—Senators Roban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Carwright, Cassady, Curtis, Estabrook, Gates, Hays, Holsahan, Hurd, Juddard, Lewis, Matthews, Reagan, Rush, Sanford, Swenson, Strohbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 549 finally passed by the following vote:

AYES.—Senators Roban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti,

Chlorophyll *a*, *b*, and *c* were determined using a Shimadzu UV-1601U Ultraviolet-Visible Spectrophotometer. Total chlorophyll was determined using the method of Lichtenthaler and Whaley (1987).

2001 2

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Harkness to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

[illegible]

The apartment being on the summit of the hill

The roll was called, and Assembly Bill No. 500 finally passed by the following vote:

[illegible]

—

Title read and approved.

Will order be transmitted to the Assembly?

Assembly Bill No. 1046.—An Act to amend section four thousand two hundred forty seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Round third time

The question being on the passage of the bill.

The bill was called, and Assembly Bill No. 1336 finally passed by the following vote:

[illegible]

11

Title read and approved

Bill entered transmitted to the Assembly.

Assembly Bill No. 42.—An Act to provide for the continuation of the construction of the highway known as the Kings River Highway, and to make an appropriation therefor.

Round the end of the...

The question being on the passage of the bill

The roll was called and Assembly Bill No. 42 finally passed by the following vote:

[illegible]

[Faint handwritten notes at the bottom of the page]

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 963. "An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a

doing, and expending as an Act entitled "An Act creating a commissioner of public works, defining his duties and powers, and fixing his compensation," approved February 5, 1906, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create a deputy chief of highways for the State of California, to define his duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the fiscal year," approved April 1, 1897, also repealing an Act entitled "An Act providing for the appointment of an acting chief to the Commission of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, bridges and appliances therefor, to improve and build levee works, dams, to erect works necessary and incident to said drainage, to acquire land and property for the purposes aforesaid, making certain laws a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a public commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 16, 1896, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create an office of Lake Tahoe Water Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by inserting Sections 1, 14, 15, 16, 17, and 18 thereof, and by adding a new section therein to be inserted Section 29, relating to the officers and members of the Department of Engineering, their powers, duties, and salaries.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 981 finally passed by the following vote:

Ayes—Senators Bell, Pitts, French, Davis, Wilson, Patterson, Van Dyke, Cramer, Curry, Kettle, Lewis, Rice, Thompson, East, Johnson, Loring, May, Fox, Green, Jack, Sargent, Stanford, Nelson, Knapp, Thompson, Reid, Wells, van Wagoner, 27.

Nays—None.

File read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forests, water, the use of water, water power, electricity, coal, oil and other power, mines and mining, minerals and other lands, including reclamation and irrigation, and for providing, extending and reforming the laws of this State upon conserving, protecting or improving to these said subjects, providing for the appointment of said commission to be known as the "Conservation Commission of the State of California," prescribing the powers and duties of said com-

mission and its members and providing for the expenses of said commission and appropriating money therefor

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 789 finally passed by the following vote:

AYES: Senators Bell, Biss, Blaisdell, Black, Bayne, Cammerly, Cartwright, Cassidy, Curtin, Escudillo, Foss, Hays, Hendon, Hood, Johnson, Lewis, Marshall, Regan, Rush, Sanford, Shanahan, Stetson, Strickland, Thompson, Webb, Wolfe, and Wright—27.

NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 519—An Act to provide a state highway from the town of Polson, in Sacramento County, California, to Placerville in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road, at Smith's Flat, a state highway, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 519 finally passed by the following vote:

AYES: Senators Bell, Biss, Blaisdell, Black, Bayne, Cammerly, Cartwright, Cassidy, Curtin, Escudillo, Foss, Hays, Hendon, Hood, Johnson, Lewis, Marshall, Regan, Rush, Sanford, Shanahan, Stetson, Strickland, Thompson, Webb, Wolfe, and Wright—26.

NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1011 finally passed by the following vote:

AYES: Senators Bell, Biss, Blaisdell, Black, Bayne, Cammerly, Cartwright, Cassidy, Curtin, Escudillo, Foss, Hays, Hendon, Hood, Lewis, Marshall, Regan, Rush, Sanford, Shanahan, Stetson, Strickland, Thompson, Webb, Wolfe, and Wright—24.

NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 finally passed by the following vote:

AYES: Senators Bell, Biss, Blaisdell, Black, Bayne, Cammerly, Cartwright, Cassidy, Curtin, Escudillo, Foss, Hays, Hendon, Hood, Lewis, Marshall, Regan, Rush, Sanford, Shanahan, Stetson, Strickland, Thompson, Webb, Wolfe, and Wright—25.

NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 795 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hooeyan, Herd, Lewis, Martinelli, Regan, Rush, Sanford, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1392 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Holohan, Herd, Lewis, Martinelli, Regan, Rush, Sanford, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 381 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Gates, Hans, Hare, Holohan, Herd, Julliard, Lewis, Martinelli, Regan, Rush, Sanford, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1536 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright,

*Cowley, Carlin, Cuthbert, Fane, Goss, Hume, Harris, Hunt, Jernard, Jones, Mac-
Cormack, Ridd, Ridd, Smith, Smeaton, Thompson, Water, Watts, and Williams.* 26.
Norrie, Norrie

Titles read and approved

Bill ordered to be printed 100. A second time.

Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 4343 of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class.

12. *Conclusions*

The question being on the passage of the bill

The roll was called, and Committee Substitute for Assembly Bill No. 1074 finally passed by the following vote:

AYRES, S. and J. L. M. E. 1971. *Fieldwork, 1969-1970*. Cambridge University Press, Cambridge. Pp. 1-100. (Hornet House, Haverhill, Mass., U.S.A.)

The road had appeared

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1050.—An Act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies, to township officers and their compensation, and to the compensation of jurors and grand jurors in counties of the twentieth class.

Read about them.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1550 finally passed by the following vote:

Aggs.—Senators Roll, Rille, Russell, Black, Roynton, Caminetti, Cartwright, Casside, Clement, Egan, Gans, Han, Hooper, Horn, Latham, Lays, Mendenhall, Morgan, Rouse, Southern, Stewart, Sweeney, Thompson, Wang, Waddy, and Wright. 26
Notes.—None.

Title read and approved

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

Read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1093 finally passed by the following vote:

YES—Senators: Bell, Ellis, E. Hall, Black, Boynton, Camenetti, Cartwright, Cassity, Cullen, Eustace, Fane, Gates, Haas, Harp, Harp, Jr., and Lewis. Martindell, Regan, Sanford, Shanahan, Strubidge, Thompson, Welch, Wolfe, and Wright—26.

NOs—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support, and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Lewis, Martinelli, Regan, Sanford, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1157 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Hewitt, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 27—Relative to requesting the Secretary of the Interior to confirm selections of land to the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WRIGHT, Chairman.

Senate Joint Resolution No. 27 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 27 for consideration, out of order.

SENATE JOINT RESOLUTION NO. 27.

Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

WHEREAS, Applications have been made by the State of California, through the United States General Land Office, to the Secretary of the Interior for approximately three hundred thousand acres of indemnity school lands, which applications are still pending unexamined and unapproved; and

WHEREAS, It is admitted by the Secretary of the Interior that the State of California has complied with all requirements of law and with all rules and regulations of the United States General Land Office and of the Secretary of the Interior relating thereto; and

WHEREAS, Notwithstanding the larger portion of these applications have been pending for many years, it is represented by the Secretary of the Interior that such applications have not been approved, for the reason that the clerical force at his disposal has been insufficient to make the required examinations; and

WHEREAS, The United States General Land Office, in November, 1910, determined to make an examination in the field of all lands so applied for before approving the same, and the work of such examination in the field has not yet been commenced; and

WHEREAS, The failure to approve these selections has prevented the State and the citizens thereof from making any beneficial use of the lands so withheld and has resulted in the annual loss of many thousands of dollars in taxes; and

WHEREAS, The State of California having in all things complied with the law and with the rules and regulations of the United States General Land Office, and being admittedly entitled to action thereon by the Federal Government, the continued delay is unwarranted and is manifestly unjust to the State. Therefore, be it

Resolved by the Senate and Assembly, jointly: That we respectfully urge the honorable Secretary of the Interior that such action be taken by his department as shall result in an immediate consideration and an early determination of the applications made by California for approximately three hundred thousand acres of indemnity school lands now pending in the United States General Land Office.

Resolved: That our Senators be requested, and our Representatives in Congress be requested to use all honorable means necessary and appropriate to secure a compliance by the honorable Secretary of the Interior with the foregoing resolution.

Resolved, That the Governor of California be, and he is hereby, requested to transmit a certified copy of these resolutions to the Executive Secretary of the Interior and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 27 adopted by the following vote:

AYES. Senators: Hall, Pike, Brewster, Chamberlain, Cortright, Cassidy, Curtis, Eastburn, Lamm, Geary, Hunt, Hunt, Hunt, Latham, Lewis, Marshall, Rogan, Rush, Sanford, Sherman, Strickland, Waley, and Wally. 27.

NOTES. None.

Senate Joint Resolution No. 27 ordered engrossed, and transmitted to the Assembly.

CONSIDERATION OF BILL. LIST OF ORDERS.

Senator Cassidy asked for, and was granted unanimous consent to take up Assembly Bill No. 1381 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1381. An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cassidy moved to refer to Senator Hewitt, as a special committee of one, to amend as follows:

On page 1, Section 1, line 7, strike out the word "shall", and insert in lieu thereof the word "may".

Also, On page 2, Section 1, line 9, after the word "and", insert the words "when so fixed".

Also, On page 2, Section 2, lines 3 and 4, strike out the words, "and it is hereby made their duty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1381, with instructions to amend, respectfully reports the same back, amended as per instructions.

HEWITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hewitt asked for, and was granted, unanimous consent to take up Assembly Bill No. 1122 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hewitt moved to refer to Senator Roseberry, as a special committee of one, to amend as follows:

On page 2, Section 1, after line 19, insert the following paragraph:

"Sec. 2. The provisions of this Act shall not apply to or affect any proceeding taken under the Act to which this Act is amendatory, and pending at the time this Act takes effect, and in which the interlocutory judgment has been entered."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1122, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HURD, Chairman.

Assembly Bill No. 467 ordered on file for second reading.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1021 ordered on file for third reading.

Also

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Education and Enfranchisement have examined Senate Bill No. 1060—An Act to amend sections one thousand four hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to the same submitted by committee and unanimously recommend that the same has been correctly reengrossed.

CASSIDY, Chairman.

Senate Bill No. 1060 ordered on file for third reading.

Also

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Education and Enfranchisement have examined Committee Substitute for Senate Bill No. 411—An Act to repeal the State Commission of Industrial Education, to provide for its reorganization, to define its powers and duties, to provide for the reorganization of the offices and employees and define their powers and duties and the powers and duties of county, city and private and municipal boards of education and board of trustees organized and established for the government of any of the secondary and elementary schools of the State, and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Bill No. 411 ordered on file for third reading.

CONSIDERATION OF BILL. (OUT OF ORDER.)

Senator Strobridge asked for, and was granted unanimous consent to take up Committee Substitute for Senate Bill No. 411 for consideration, out of order.

Committee Substitute for Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title three, part three of the Political Code, relating to the establishment of industrial, technical and agricultural training in the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 411 passed by the following vote:

AYES. Senators Black, Brown, Cameron, Cartwright, Cassidy, Curtin, Estadillo, Gages, Hays, Howell, Hyde, Lillard, Lewis, Merriam, Quinn, Rush, Sanford, Strobridge, Thompson, Welch, White, and Wright. 22.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER.)

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEWIS, Chairman.

Assembly Bill No. 980 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Also Assembly Bill No. 1582—An Act to amend Section 1727 of the Political

Code of the State of California, relating to the formation of union high school districts.

Also: Assembly Bill No. 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Also: Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Also: Assembly Bill No. 1182—An Act to amend Section 443 of the Political Code of the State of California and to add a new section thereto to be numbered 462, to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Also: Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Also: Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also: Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Also: Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Also: Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district or the exclusion of a school district from a high school district.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STROBRIDGE, Chairman.

Assembly Bills Nos. 1580, 1582, 1584, 1148, 1182, 1552, 406, 1581, 1583, and 1585 ordered on file for second reading.

MOTION.

Senator Finn moved that all bills on the Members' Special Urgency File of Monday, March 20, 1911, be restored to the General File in their original places.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Senate Bill No. 51 for consideration, out of order.

Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article, to be designated and numbered Article IXa, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Cartwright, Cassidy, Cotten, Estudillo, Finn, Gates, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Regan, Rush, Sanford, Shannahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to

reconsider the vote whereby Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code relating to the punishment of persons convicted of wrecking railroad trains—was passed. The same was taken up for consideration.

[illegible]

Senator Hale moved that the further consideration of the meeting be reconsidered the next morning. Assembly Bill No. 112 was passed by vote a special order for Thursday, March 27, 1935, at three o'clock and thirty minutes p. m.

Most common: *Salmonella*

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At six o'clock and fifteen minutes p. m., in session of Senator Ford, the President pro tempore declared the Senate adjourned.

IN - 13, 411

SIXTH CHAMBER.

Thursday, March 23, 1911

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. A. E. Boynton, President pro tempore of the Senate, in the chair.

The roll was called, and the following answered to their names:

[illegible]

Quorum present?

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

NAME OF THE DONOR

During the reading of the Journal of Wednesday, March 22, 1911, the further reading was dispensed with, on motion of Senator Rash.

MISS A. J. S. FROM THE AMERICAN

The following messages from the Assembly were taken up and read:

ASSASSINATION OF PRESIDENT MARSHALL, March 21, 1911.

MR. PROSPECT: I am honored to affirm your statement both that the Assembly on this day passed Assembly Bill No. 10, An Act to form agricultural districts, to provide for the formation, constitution and powers of agricultural associations therein, and for the management and control of the same, for the better of agriculture, stock, horticulture and fisheries and making an appropriation therefor, and repealing all Acts in conflict herewith.

Alas. Assembly Bill No. 90-2, An Act to amend Section 4909 of the Penal Code of California relating to the sentencing of persons convicted of the wearing of electronic wrist or ankle sensors.

Also, Assumption B (N = 100) is a number that is the sum of one hundred and two, written in Arabic numerals as the sum of A, S, and M.

Also, Assembly Bill No. 1148, An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into judicial districts.

As a result, the word "Fence" does not appear in the word list. The word "Fence" does not appear in the word list.

A second example is the use of the word "north" where the speaker is not actually facing north, but is using the word "north" in line 44 to mean "west".

Also, in line 40, page 8 of the original text, strike out the word (.) after the word "university," and insert a period (.) after stroke out the words "or absolute" in the same line.

Also, in line 5, Section 2, paragraph 2 of the proposed bill, strike out all after the word "that", up to and including the words "July", on line 6, and insert in lieu thereof the following: "beginning with the day of November and the twenty-third day of October."

Also, in lieu 10, Section 2, line 3, of the printed bill, strike out "all" after the word "the", up to and including the word "July" in line 11, and insert in lieu thereof, "seventeenth day of September and the twenty-third day of October".

Also: In line 8, Section 2, page 3, of the printed bill, strike out all after the first "the", up to and including the word "July", and insert in lieu thereof "seventeenth day of September and the twenty-third day of October".

Also: In line 6, Section 3, page 3, of the printed bill, strike out the words "white fish or".

Also: In line 16, page 4, of the printed bill, Section 3, strike out all after the word "exceeds", up to and including the word "five", in line 17, and insert in lieu thereof the word "ten"; and after the word "pounds" in the same line, insert the words "and one fish, or who above tide water during any one calendar day, takes, kills, destroys or has in his possession more than fifty steelhead trout".

Also: In line 17, Section 3, page 4, of the printed bill, strike out the period (.) after the word "misdemeanor", and insert the following: "except as hereinafter provided. *Provided*, that in Game District No. 3 any person who between the first day of November and the first day of May of the following year, takes, kills, destroys, or has in his possession any trout is guilty of a misdemeanor".

Also: Strike out in line 6a, Section 4, page 4, of the printed bill, the words "except with spoon and hook and line".

Also: In line 38, page 5, Section 4, of the printed bill, strike out all after the word "to", up to and including the word "mossman", in line 39, and insert in lieu thereof the following: "the head of Robinson's Pool".

Also: Insert after the word "State" in line 15, page 6, of the printed bill, the words "except fyke nets without wings used solely for the purpose of catching cutfish above tide water between the fifteenth day of July and the fifteenth day of June in the year following".

Also: In line 41, page 2, of the printed bill, strike out after the word "nine", the words "and one half", the words "one half" being the first two words on line 42, page 2, of the printed bill.

Also: In Section 1, page 3, line 62, of the printed bill, after the word "feathers", insert "or any abalone".

Also: In Section 3, page 4, of the printed bill, strike out all of line 11 after the word "trout", and all of lines 12, 13, and 14 down to and including the word "caught".

On motion of Senator Walker, the consideration of the above Assembly amendments to Senate Bill No. 635 was temporarily passed, in the absence of Senator Cutten.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 6—An Act to carry into effect the provisions of paragraph, two of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 6?"

In Section 1, page 1, of the printed bill, strike out all of line 7, and lines 8, 9, 10, 11, and 12, on page 2, and insert in lieu thereof the following:

"443. On or before the first Monday in January and the first Monday in July of the year 1912 and on or before the first Monday in January and the first Monday in July of each succeeding year, the State Controller shall transfer from the General Fund of the State to the State School Fund such sums as will be equivalent to \$13.00 for each pupil in average daily attendance in the elementary schools of the State as reported by the Superintendent of Public Instruction for the school year ending June 30th preceding.

Also: In Section 2, page 2, of the printed bill, strike out all of lines 3, 4, 5, 6, 7, 8 and 9, and insert in lieu thereof the following:

"461. The State Treasurer shall transfer from the General Fund to the State School Fund such sums as shall be certified to him by the State Controller under the provisions of Section 443 of the Political Code

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 6 by the following vote:

Ayes—Senators Avey, Bell, Birdsall, Boynton, Bryant, Burnett, Campbell, Cart-

wright, Corbin, Edwards, Gentry, Hays, Hays, Hays, Hays, J. Ford, Lewis, Roushorne, Roth, Salmon, Smith, Tappan, Walker, Wells, and Wright, 25.

Notes: None.

Senate Bill No. 6 ordered to enactment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 22, 1911.

Mr. President: I am pleased to inform your honorable body that the Assembly on this day passed Senate Bill No. 5. An Act to amend the Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems of medicine by creating the State Board of Chiropractors, and for the appointment of a Board of Medical Examiners, in and subject to such regulations," approved March 14, 1907, as amended March 16, 1908, by providing section one of said Act.

Also: Senate Bill No. 944. An Act to amend Section 1254 of the Political Code relating to the official and judicial officers of counties, the following clause:

Also: Senate Bill No. 941. An Act to amend Section 1254 of the Political Code relating to the official and judicial officers of counties, the following clause:

Also: Senate Bill No. 940. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same, and for the same.

Also: Senate Bill No. 939. An Act to amend Section 1254 of the Political Code relating to the official and judicial officers of counties, the following clause:

Also: Senate Bill No. 938. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 937. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 61. An Act making an appropriation for the purchase of additional lands for the State Prison, State Normal School, and State Normal School.

Also: Senate Bill No. 60. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 59. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 58. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 57. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 56. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 55. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 54. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 53. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 52. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 51. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 50. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 49. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 48. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

Also: Senate Bill No. 47. An Act to amend and changing the appointment of judges of the State Agricultural Society, their compensation, and providing for the same, and for the same.

used in the Washington and Lincoln birthday celebrations by this Legislature, and that the Controller is hereby directed to draw his warrant in favor of Carl Browne for said amount, and the State Treasurer is hereby instructed to pay the same.

Read and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard"—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

GATES, Chairman.

Assembly Bill No. 1190 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Finance Committee.

GATES, Chairman.

Assembly Bill No. 1539 ordered re-referred to Committee on Finance.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 440—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 440 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 242—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure of the State of California providing for the assigning and setting apart of the property of small estates of decedents for the use and benefit of widows and minor children, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872 by adding a new section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

And report that the same have been correctly engrossed.

CASSIDY, Chairman.

Senate Bills Nos. 242 and 1287 ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 1076—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restrict-

ing undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and pose to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Senate Bill No. 1076 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section III of Article IV of the Constitution, relating to the election of members of the General Assembly, by providing for minority representation in the General Assembly.

On motion of Senator Hays, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Bill No. 1191—An Act to amend Section 1401 of the Civil Code, relating to community property.

Senate Bill No. 1191 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 701—An Act to amend Section 9372 of the Penal Code of the State of California, relating to the killing of birds other than game birds.

On motion of Senator Boydell, Senate Bill No. 701 was passed, to be placed at the foot of the file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENTS

Senator Bennett announced that Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending sections twenty and twenty-one of article twelve thereof, relating to railroad and other transportation companies—was identical with Assembly Constitutional Amendment No. 30. A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies, and he therefore asked for, and was granted, unanimous consent to withdraw Senate Constitutional Amendment No. 33.

Senate Constitutional Amendment No. 53 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT

Senator Bennett announced that Senate Constitutional Amendment No. 12—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California—was identical with Assembly Constitutional Amendment No. 6. A resolution proposing to the people of the State of California an amendment to the Constitution of

be consolidated with other cities into one municipal corporation, whether such other cities are governed under charter so framed, or are incorporated under general or special laws, and such consolidated municipal corporation shall be governed as a city with the name of the one of such cities having the greatest population, determined as provided by general laws, and under the charter or laws governing such city having the greatest population. The provisions of this Constitution applicable to cities shall apply to such consolidated municipal corporation."

Amendments adopted.

Senate Constitutional Amendment No. 28 ordered to print, and on file.

SPECIAL ORDER SET.

Senator Hewitt moved that the consideration of Senate Constitutional Amendment No. 28 be made a special order for Friday, March 24, 1911, immediately after the special order heretofore set.

Motion carried.

WITHDRAWAL OF BILL.

Senator Hewitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1141—Committee Substitute for—An Act to provide for the improvement of public streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, and providing a system of street improvement bonds to represent the assessments for the cost of such improvement and also for the payment of such bonds.

Committee Substitute for Senate Bill No. 1141 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS, ETC. — RESUMED.

SENATE CONSTITUTIONAL AMENDMENT No. 49.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

The Legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California so that Section 19 of Article XI of said Constitution shall read as follows:

"Sec. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such service to inhabitants outside its boundaries, *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 49 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Cutsen, Estudillo, Gates, Hans, Hewitt, Holahan, Juddard, Lewis, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Constitutional Amendment No. 49 ordered engrossed, and transmitted to the Assembly.

REPORT OF STANDING COMMITTEES.

The following report of standing committee was received and read
—and recommended for passage—

SENATE COMMITTEE ON EDUCATION, March 22, 1911.

MR. PRESIDENT: Your Committee on Education and Examinations have examined Senate Bill No. 1286—An Act to amend Section 4400 of the Political Code of the State of California, relating to officers and salaries and list of officers of the fourth class, and report that the same has been carefully considered.

CASSIDY, Chairman.

Senate Bill No. 1286 ordered on file for third reading.

CONSIDERATION OF BILLS.—(NOT IN ORDER.)

Senator Juchard asked for, and was granted, unanimous consent to take up Senate Bill No. 1286 for consideration, out of order.

Senate Bill No. 1286—An Act to amend Section 4400 of the Political Code of the State of California, relating to officers and salaries and list of officers of the fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1286 passed by the following vote:

AYES: Senators Aker, Bell, Ellis, Eichel, Good, Johnson, Bryant, Burnett, Caswell, Campbell, Canfield, Connelley, Green, Hays, Hiram, Hurd, Juchard, Larkin, Latta, Martin, Quinn, Ransom, Hall, Sargent, Shattuck, Simon, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—26.

NAYES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS.—(OUT OF ORDER.)

Senator Burnett asked for, and was granted, unanimous consent to take up Assembly Bill No. 791 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Shanahan, as a special committee of one, to amend as follows:

Strike out Section 1 of the amended bill and insert in lieu thereof the following:

SECTION 1. Whenever any lot or lots and lands shall have an affidavit in place and otherwise any street or public ground be surveyed, or any road, avenue, and street or new street, or street or lot or lots be closed or abandoned, and concerned therein the board of supervisors or other governing body of the municipality shall have taken proceedings under any general law of this State or consistent to the provisions of the charter of any such city, or city and county, and closed the or abandoned said street or avenue or public ground, the board of supervisors or other governing body of the municipality (to which such action or portion of such action is referred, shall have the same by reference to said law or ordinance, or otherwise in the charter of said municipality provided) or mayor, or clerk, or clerk or clerk of such street or avenue or public ground or closed, or the owners of the lands adjoining thereto or adjoining on each side to such portion as said council, board of supervisors or other governing body shall deem that equity requires."

CONSIDERATION OF SENATE BILL NO. 635.

The hour having arrived for the consideration of the second order pending on the floor, being the consideration of Senate Bill No. 635, "An Act to amend Sections 628, 629, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish," the speaker of the assembly called for the yeas and nays of the members of the assembly in support of the bill. The yeas and nays were taken, and the bill was passed.

CONSIDERATION OF SENATE BILL NO. 635.

Senator Thompson moved that the further consideration of a second order pending on the floor, being the consideration of Senate Bill No. 635, "An Act to amend Sections 628, 629, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish," be postponed until the next day.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 635.

The hour having arrived for the consideration of the second order pending on the floor, being the consideration of Senate Bill No. 635, "An Act to amend Sections 628, 629, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish," the speaker of the assembly called for the yeas and nays of the members of the assembly in support of the bill. The yeas and nays were taken, and the bill was passed.

CONSIDERATION OF SENATE BILL NO. 635.

Senator Thompson moved that the further consideration of a second order pending on the floor, being the consideration of Senate Bill No. 635, "An Act to amend Sections 628, 629, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish," be postponed until the next day.

Motion carried.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NO. 635.

Senator Walker asked for, and was granted, unanimous consent to take up for consideration the Assembly amendments to Senate Bill No. 635. An Act to amend Sections 628, 629, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 635?"

In line 6, page 1, of the printed bill, after the word "country", insert the following: "or who has in his possession for any purpose."

Also, in line 7, Section 1, page 1, of the printed bill, after the word "State", insert

the following: "is guilty of a misdemeanor": "provided, that the possession of such dried shrimp or shrimp shells for any purpose shall be prima facie evidence of the fact that such dried shrimps or shrimp shells are of shrimps which were caught or taken in the waters of this State".

Also: In line 7, Section 1, page 1, of the printed bill, strike out commencing with the words "or every", down to and including the word "State", in line 11.

Also: On page 2, of the printed bill, line 16a, strike out commencing with the words "provided that", down to and including the word "State", in line 16c.

Also: After the word "misdemeanor", in line 16a, strike out the semicolon (;), and insert a period (.)

Also: Strike out the word "and", in line 16c, page 2, and begin the word "every" with a capital letter.

Also: In line 16f, page 2, of the printed bill, after the word "possession", insert the following: "for sale, or sells, or offers for sale".

Also: On page 2, Section 1, line 25, of the printed bill, after the word "back", strike out the words "or any lobster, or crawfish".

Also: On page 2, Section 1, line 16a, before the word "is", insert the following: "or who shall at any time pickle, can, or otherwise preserve any lobster, crab, or crawfish caught or taken in the waters of this State, or who shall at any time sell any crab, lobster or crawfish meat not in the shell of such crab, lobster or crawfish, or who shall bring to shore any part or portion of any lobster, crab or crawfish, without the remaining portions of said lobster, crab or crawfish in such condition that the size of such lobster, crab or crawfish can not be measured."

Also: Strike out, in line 25, page 2, of the printed bill, all after the word "lobster", down to and including the word "shell", in line 32, and insert in lieu thereof the following: "or any person, who between the first day of March, and the first day of July of any year, kills, takes or catches, in the waters of this State any abalone (*Haliotis*), or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any abalone (*Haliotis*) known to commerce as the red abalone (*Haliotis rufescens*) less than seventeen inches around the outer edge of the shell, or any green abalone (*Haliotis fulgens*) less than sixteen inches around the outer edge of the shell, or any pink abalone (*Haliotis corrugata*) less than fourteen inches around the outer edge of the shell, or any black abalone (*Haliotis crackerodice*) less than twelve inches around the outer edge of the shell; or who, by whatever means whatsoever takes, or catches between the first day of July, and the 28th day of February of the following year, the red abalone (*Haliotis rufescens*) seventeen inches or over around the outer edge of the shell, or the green abalone (*Haliotis fulgens*) sixteen inches or over around the outer edge of the shell, or the pink abalone (*Haliotis corrugata*) fourteen inches or over around the outer edge of the shell, or the black abalone (*Haliotis crackerodice*) twelve inches or over around the outer edge of the shell and does not bring the abalone naturally attached to the shell alive to the shore above high water mark, or who kills any abalone (*Haliotis*) of lawful size other than for food purposes, is guilty of a misdemeanor";

Also: Strike out all in line 32, on page 2, of the printed bill, beginning with the word "Every", down to and including the word "and", in line 39, same page.

Also: Strike out in line 43, page 2, of the printed bill, beginning with the word "or" where it appears the second time, down to and including the word "abalone", in line 44, same page.

Also: In line 49, page 3, of the printed bill, strike out the comma (,) after the word "crawfish", and insert a period (.); also strike out the words "or abalone shell", in the same line.

Also: In line 5, Section 2, page 3, of the printed bill, strike out all after the word "the", up to and including the word "July", in line 6, and insert in lieu thereof the following: "seventeenth day of September and the twenty-third day of October".

Also: In line 10, Section 2, page 3, of the printed bill, strike out all after the word "the", up to and including the word "July", in line 11, and insert in lieu thereof "seventeenth day of September and the twenty-third day of October".

Also: In line 8, Section 2, page 3, of the printed bill, strike out all after the first "the", up to and including the word "July", and insert in lieu thereof "seventeenth day of September and the twenty-third day of October".

Also: In line 6, Section 3, page 3, of the printed bill, strike out the words "white fish or".

Also: In line 16, page 4, of the printed bill, Section 3, strike out all after the word "exceeds", up to and including the word "five", in line 17, and insert in lieu thereof the word "ten"; and after the word "pounds", in the same line, insert the words "and one fish, or who above tide water during any one calendar day takes, kills, destroys or has in his possession more than fifty steelhead trout".

Also: In line 17, Section 3, page 4, of the printed bill, strike out the period (.) after the word "misdemeanor", and insert the following: "except as hereinafter provided: provided, that in Game District No. 3 any person who between the first day of November and the first day of May of the following year, takes, kills, destroys, or has in his possession any trout is guilty of a misdemeanor".

Also: Strike out in line 6a, Section 4, page 4, of the printed bill, the words "except with spoon and hook and line".

Also: Insert after the word "State", in line 15, page 6, of the printed bill, the

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NO. 261

Senator Avey asked for, and was granted, unanimous consent to take up for consideration the Assembly amendments to Senate Bill No. 261—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice, or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 261?"

On page 3, line 71, after the word "fee", insert: "but the board of examiners of the association of naturopaths of California, incorporated August 8, 1904, which board shall be elected by the members of said association, may at its discretion issue a certificate to applicants which have proven their efficiency to the satisfaction of said board. The president and secretary of the board of medical examiners shall sign such certificate and affix the official seal of said board. The holder of such certificate shall be entitled to practice in this State with the same rights and privileges as the holder of a certificate from the board of medical examiners."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 261 by the following vote:

AYES—Senators Reban, Bills, Bryant, Campbell, Cassidy, Finn, Hans, Hare, Heward, Hurd, Julliard, Regan, Rush, Sanford, Strobridge, Wolfe, and Wright—17.

NOES—Senators Avey, Bell, Black, Boynton, Caminetti, Estudillo, Gates, Holohan, Lewis, Roseberry, Stetson, Tyrrell, and Welch—13.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 261?"

In line 84, page 6, of the printed bill, after the period following the word "Act", insert the following:

"Nothing, however, in this section shall be construed as repealing or in any manner affecting Section 17, of an Act entitled 'An Act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, as amended by a certain Act approved March, 19, 1909."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 261 by the following vote:

AYES—Senators Avey, Reban, Bell, Black, Boynton, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hurd, Julliard, Lewis, Martinelli, Regan, Roseberry, Sanford, Stetson, Strobridge, Tyrrell, Wolfe, and Wright—25.

NOES—Senator Bills—1.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 261?"

After the word "follow", in line 50, page 3, Section 1, of Senate Bill No. 261, add the following:

"Provided, however, that the State Board of Medical Examiners may issue a certificate to any person who has practiced a special branch of medicine and surgery, at the time this Act goes into effect, for a period of not less than thirty five years, fifteen years of which time shall have been within the State of California; an applicant to practice a special branch of medicine and surgery must file an affidavit

Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1001 passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Cassidy, Estudillo, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR ESTUDILLO IN THE CHAIR.

At twelve o'clock and five minutes P. M., Senator Estudillo, of the Thirty-ninth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 608—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 608 refused passage by the following vote:

AYES—Senators Avey, Bell, Estudillo, Finn, Gates, Hare, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Welch, and Wright—14.

NOES—Senators Beban, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Curtin, Hans, Holohan, Hurd, Juilliard, Larkins, Martinelli, Sanford, Tyrrell, Walker, and Wolfe—19.

RECESS.

The hour having arrived, the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Black, the second-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

During second reading of the bill the following amendments were submitted by committee:

In Section 2, page 1, of the printed bill, commencing with the word "health", after the word "the", in line 3, strike out the portion of line 3, and all of line 4, and insert in lieu thereof the words "State Board of Health".

Amendment adopted

Also

In Section 2, page 1, line 5, of the printed bill, strike out the words "State health officer", and insert in lieu thereof the words "The State Board of Health".

Amendment adopted

Also

In Section 2, page 1, line 5, of the printed bill, after the words "Transmission tank", insert the words "or means to be made".

Amendment adopted

Also

In Section 2, page 1, line 7, of the printed bill, strike out the word "be" after the word "equipment".

Amendment adopted

Also

In Section 2, pages 1 and 2, of the printed bill, commencing with the word "1" in line 9, strike out the balance of said line 9, and all of lines 10, 11, 12, 13, and 14.

Amendment adopted

Also

On page 2, of the printed bill, immediately after the end of Section 2, insert a new section, to be numbered 2a, and to read as follows:

Sec. 2a. Every hospital, sanatorium, nursing home or institution mentioned in Section 1 of this Act, except as hereinafter specially provided, before receiving a license hereunder, and annually thereafter on the first day of July of each year, shall pay to the State Board of Health the license fee in this section specified.

Such fee shall be as follows:

For a capacity of less than fifteen beds, five dollars.

For a capacity of fifteen to twenty-five beds, ten dollars.

For a capacity of twenty-five to fifty beds, twenty dollars.

For a capacity of fifty and to seventy-five beds, thirty dollars.

For a capacity of seventy-six to one hundred beds, forty dollars.

For a capacity of one hundred and one to one hundred and fifty beds, sixty dollars.

For a capacity of more than one hundred and fifty beds, eighty dollars.

Provided, however, that no license fee shall be paid by any hospital, sanatorium, or other place or institution mentioned in Section 1 of this Act which is owned and maintained by the State of California, or any county, city and county, city or town in said State; and provided, further, that when a license is applied for after the first day of July of any year the fee for that year shall be diminished proportionately.

The secretary of the State Board of Health shall keep a full and correct account of all fees received under the provisions of this Act, and shall, at least once each month, deposit all such fees, together with the State Treasurer, and make a detailed report showing same to the State Controller, and such moneys shall be credited to the Traveling and Contingent Fund of the State Board of Health.

Amendment adopted

Also

On page 2, Section 3, line 4, of the printed bill, strike out the words "local and state health officers", and insert in lieu thereof the following: "the State Board of Health or its authorized representatives."

Amendment adopted

Also

On page 2, of the printed bill, strike out the whole of Section 4, and substitute in lieu thereof the following:

"Sec. 4. No person shall be placed in charge of any training school connected with a hospital or in charge of any operating room or other surgical, obstetrical, or medical department of such institution, unless he or she shall be licensed after examination by the State Board of Medical Examiners, or their authorized representatives. No

nurse shall be a candidate for the examination and license provided for in this section, unless he or she has been granted a certificate as a registered nurse under the laws of the State or nation in which he or she graduated, or a certificate as a registered nurse granted by the Board of Regents of the University of California."

Amendment adopted.

Also:

In Section 5, page 2, of the printed bill, line 2, after the word "revoked", insert the words "or suspended".

Amendment adopted.

Also:

In Section 5, page 2, of the printed bill, line 8, strike out the period after the word "Act", insert a semicolon and add the words: "if the annual fee herein specified shall not be paid when due, such license shall be forthwith revoked without any notice or hearing whatever, and no such hospital, sanatorium or other place or institution, the license for which has been revoked or suspended, shall be maintained or operated, nor shall any patient be received into the same, until a new license has been obtained or the period of suspension has terminated."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lausing, on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 702—An Act amending Section 264 of the Penal Code, fixing the punishment for rape.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the period after the word "years", and insert in lieu thereof the following: ", or in the county jail for not more than one year".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1081—An Act to amend section five ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An Act fixing the salaries of the judges of the superior court of the State of California in and for the county of Kern, and providing for the payment thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1119.—An Act to amend Section 2901 of the Civil Code of the State of California, relating to limitation of rights of officers to levy on nonexempt personal property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 315.—An Act to repeal Section 210 of the Penal Code, relating to crimes against public health and safety.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 744.—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section, thereto to be designated and inserted as Section 1716, relating to the payment and enforcement of claims against principal corporations in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 779.—An Act appropriating two thousand dollars for the investigation and collection of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 781.—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 782.—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 783.—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 187.—Committee Substitute for—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 340.—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 387.—An Act making an appropriation to pay the claim of the San Diego Union Company.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 921.—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 922.—An Act to provide an appropriation for grading, terracing, leveling drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State, to be held in 1912.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, lines 28 and 29, of the printed bill, strike out the following: "cities and counties of the first and counties of the second class", and insert in lieu thereof the following: "counties and cities and counties of the first and second classes".

Amendment adopted.

Also:

On page 2, Section 1, lines 38 and 39, of the printed bill, strike out the words "eighteen hundred and ninety-seven", and insert in lieu thereof the words "nineteen hundred eleven".

Amendment adopted.

Also:

On page 3, Section 1, line 60a, strike out the word "asylum", and insert in lieu thereof the word "asylums".

Amendment adopted.

Also

On page 3, Section 1, strike out the words "proposed business" in line 68, and strike out all of lines 69, 70, and 71, and the words "accumulation of values and" in line 72.

Amendment adopted

Also

On page 4, Section 1, from \$4,450,000, add "officers", insert the following: "and the expense of such officers."

Amendment adopted

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1917 (Committee Substitute for)—An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies, to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafes, hotels and comfort houses, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafes, hotels and confectioneries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of annulides and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State.

On motion of Senator Wright, Assembly Bill No. 467 was temporarily passed on file, to retain its place.

Assembly Bill No. 980—An Act to amend Section 484 of the Penal Code, relating to forest fires.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1584—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1182—An Act to amend Section 443 of the Political Code of the State of California, and to add a new section thereto, to be numbered 462.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

SECOND-READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Campbell, the second-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the Straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, line 12, of the printed bill, after the word "Carquinez", insert the following: "such bridge when erected to be owned and controlled by the State of California."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Bill read second time, ordered engrossed, and on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

On motion of Senator Wolfe, Assembly Bill No. 836 was temporarily passed on file to retain its place.

Assembly Bill No. 489.—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 594b, and relating to party telephone lines and wires.

On motion of Senator Boyington, Assembly Bill No. 149 was temporarily passed on file to retain its place.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

On motion of Senator Campbell, Assembly Bill No. 494 was temporarily passed on file to retain its place.

Assembly Bill No. 1337. An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1339 finally passed by the following vote:

[illegible]

— 18 —

Title read and approved

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135. An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

On motion of Senator Thompson, Assembly Bill No. 135 was temporarily passed on file, to action its place.

Assembly Bill No. 15.—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 15 finally passed by the following vote:

AYES. Sangers, Baker, Ball, Bills, Birdsell, Black, Boynton, Bryant, Burnett, Cammereth, Campbell, Cassady, Esch, Evans, Gales, Harbo, Harp, Juddard, Larkins, Lewis, Martindale, Roschere, Rush, Sanford, Strong, Sturge, Thompson, Tyrnell, Walker, Wolfe, and Wright. 28.

None None

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1319.—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1319 finally passed by the following vote:

AYES—Senators Reban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti.

Campbell, Cassidy, Estudillo, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Thompson, Walker, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to superior courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1320 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Thompson, Walker, Wolfe and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SHANAHAN IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator Shanahan, of the Second District, in the chair.

SUSPENSION OF RULES.

Senator Estudillo moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

THIRD READING OF ASSEMBLY BILLS—RESUMED

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1321 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hurd, Juilliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Welch, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of superior courts on appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1322 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hurd, Juilliard, Lewis, Martinelli,

Regan, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tirrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1123—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the superior court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1123 finally passed by the following vote:

AYES—Senators Ames, Bell, Becken, Beck, Benton, Bryant, Burnett, Campbell, Canfield, Chase, Gentry, Hendon, Johnson, Lusk, Lusk, Marshall, Rogers, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tirrell, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1112 finally passed by the following vote:

AYES—Senators Ames, Bell, Beck, Becken, Beck, Benton, Bryant, Burnett, Campbell, Canfield, Chase, Gentry, Hendon, Johnson, Lusk, Lusk, Marshall, Rogers, Roseberry, Rush, Sanford, Shanahan, Strohbridge, Thompson, Tirrell, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1179—An Act to amend an engrossment to register laws, relating to the State of California—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1179 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Constitutional Amendment No. 49 ordered transmitted to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 13—Approving two certain amendments to the

charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

Also: Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Also: Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Also: Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Also: Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Also: Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Also: Senate Bill No. 190—An Act to amend Section 19 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof.

Also: Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also: Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Also: Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Also: Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Also: Senate Bill No. 235—An Act authorizing the investment and reinvestment and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Also: Senate Bill No. 267—An Act to amend Section 453a of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

Also: Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Also: Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909, necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also: Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music and advertising purposes.

Also: Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also: Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also: Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also: Senate Bill No. 1115—An Act appropriating money to pay the claim of Izo Preisker against the State of California.

Also: Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

tion sixty-one thereof, relating to what securities savings banks may invest their funds in.

Also: Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Also: Senate Bill No. 498—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half.

Also: Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Also: Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees.

Also: Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses of the Bureau of Building and Loan Supervision; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violation of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof, also repealing an Act approved March 20,

[illegible]

As a result, we find that the spread term has a statistically significant and positive effect on the transaction costs. This is in line with Myers (1984), who shows that the spread

1-1-11

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Assembly Bill No. 1114: An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Road closed 6000.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1114 finally passed by the following vote:

AVES.—Sooty Tern, Rose Breasted Black Bird, Cape May Warbler, Crows, Chipping Sparrow, Flicker, Heron, Hawk, Jay, Kingbird, Robin, Raven, Screech Owl, Sharp-shin, Song Sparrow, Towhee, Wren, Wood Pewee, and Wood Thrush.

1000

Title read and approved.

Bill ordered transmitted to the Assembly

Assembly Bill No. 1114. An Act to amend section eleven hundred forty-two of the Political Code of the State of California relating to boards of election.

Read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1114 finally passed by the following vote:

AYES. Senators B. B. Buls, Russell Black, Bryant, Connolly, Campbell, Cassidy, Curran, Estabill, Foss, Goss, Hanna, Hurl, J. J. Kearney, Lewis, McConnell, Rogers, Roseberry, Sanford, Shanahan, Sinnott, St. George, Thompson, Walker, Welch, Wolfe, and Wright. 27

Notes: None

Title read and approved

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1202—An Act to amend section ten hundred seventy nine of the Political Code of the State of California, relating to **expenditures in respect to elections.**

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1202 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell,

Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1108 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1109 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen, and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1110 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1111 finally passed by the following vote:

AYES—Sellers, Amy, Bell, Birchall, Black, Bryan, Casmotti, Campbell, Cassidy, Carter, Egan, Fink, Green, Hays, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rogers, Roseberry, Ross, Sargent, Shattuck, Strobridge, Thompson, Walker, Wells, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1115 finally passed by the following vote:

AYES—Sellers, Amy, Black, Birchall, Black, Bryan, Casmotti, Campbell, Cassidy, Carter, Egan, Fink, Green, Hays, Holahan, Hurd, Juilliard, Lewis, Martinelli, Rogers, Roseberry, Ross, Sargent, Shattuck, Strobridge, Thompson, Walker, Wells, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1119—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election tickets.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1119 finally passed by the following vote:

AYES—Sellers, Amy, Bell, Birchall, Black, Bryan, Casmotti, Campbell, Cassidy, Carter, Egan, Fink, Green, Hays, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rogers, Roseberry, Ross, Sargent, Shattuck, Strobridge, Thompson, Walker, Wells, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1117 finally passed by the following vote:

AYES—Sellers, Amy, Bell, Birchall, Black, Bryan, Casmotti, Campbell, Cassidy, Carter, Egan, Fink, Green, Hays, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Rogers, Roseberry, Ross, Sargent, Shattuck, Strobridge, Thompson, Walker, Wells, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1201 finally passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven *a*, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four and thirteen hundred seventy-five of the Political Code of the State of California, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1204 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holahan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 830 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hans, Holahan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and

proceeding for the hearing of such measure by the revision of the orders of such hour and agenda.

Read third time.

The question being on the passage of the bill.

The roll was called, and finally Bill No. 1447 finally passed by the following vote:

YEAS: Senators Van Dine, Burdick, Brown, Campbell, Cramer, Curren, Curtis, Egan, Fox, Gurn, Hale, Hans, Hendon, Hunt, Johnson, Keith, Marshall, Mason, Davidson, Stewart, Strickland, Thompson, Walker, Wells, and Wright.
NAYS: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 798—Law for to amend Section 1447 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Read third time.

APPROPRIATION TO ADJUST TO INDIAN, GOVERNMENT OF 1911.

SENATOR CURTIN moved to refer to Senator Strickbridge, as a special committee of one, to amend as follows:

To amend the bill of Senator L. and M. Johnson (Committee), and inserting in the said bill the following: "and"

Motion carried.

Report on Indian Appropriation of 1911.

SENATOR CURTIN, SANTIAGO, March 23, 1911.

MR. PRESIDENT: Your second committee of one, to which was referred Assembly Bill No. 798, and which committee is known, respectfully, yours, the same body, presented as per instructions.

STRICKBRIDGE, Committee.

Report read.

The question being on the adoption of the report.

The roll call was demanded by Senators Burdick, Black, and Lewis.

The roll was called.

ROLL OF THE SENATE

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, three o'clock and thirty-five minutes P. M.

The acting President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

SENATORS: Ains, Baker, Bay, Bos, Boddell, Bous, Burton, Bryant, Burnatt, Cameron, Campbell, Cassady, Cattle, Esselby, Fox, Goss, Hale, Hays, Hewitt, Hendon, Hunt, Johnson, Keith, Jones, Marshall, Mason, Rosser, Rosh, Sanborn, Strickland, Storer, Strickland, Thompson, Terrell, Walker, Wells, and Wells. 37.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and forty minutes P. M., Senator Curtin was brought to the bar of the Senate and, on motion of Senator Campbell, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

SENATOR EXCUSED FROM VOTING.

Senator Campbell asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 788.

The report of the special committee of one, and the amendment, refused adoption by the following vote:

AYES—Senators Avey, Behan, Bills, Boynton, Caminetti, Cassidy, Curtin, Finn, Hans, Juilliard, Larkins, Martinelli, Roseberry, Stetson, Strobridge, Wolfe, and Wright—17.

NOES—Senators Bell, Birdsall, Black, Bryant, Burnett, Cutton, Estudillo, Gates, Hare, Hewitt, Hochen, Hurd, Lewis, Rogan, Rush, Sanford, Shanahan, Thompson, Tyrrell, and Walker—20.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 788 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutton, Finn, Gates, Hans, Hewitt, Hochen, Hurd, Juilliard, Lewis, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States—was passed, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 241 was passed be made a special order for Friday, immediately after the consideration of the special order heretofore set immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains—was passed, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice, given on previous day, Senator Hare moved that the vote whereby Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the adoption of the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hare moved a call of the Senate.

Motion carried.

Time, four o'clock p. m.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avery, Bell, Black, Brewster, Burnett, Burnett, Cannanett, Campbell, Cassady, Cutton, Estudillo, Hays, Hawk, Hawk, Hewitt, Hobson, Hurd, John Kins, Lewis, Marshall, Regan, Roseberry, Rush, Sanford, Shennahan, Stetson, Thompson, Walker, Wolfe, and Wright—41.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and five minutes p. m., Senators Birdsall and Bills were brought to the bar of the Senate, and, on motion of Senator Campbell, they were excused for absence from the Senate Chamber.

At four o'clock and six minutes p. m., Senator Juilliard was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE SUSPENDED WITH

At four o'clock and eight minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hare.

The roll of absentees was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hare moved a call of the Senate.

Motion carried.

The question being, "Shall a call of the Senate be ordered?"

The roll call was demanded by Senators Estudillo, Hare, and Wright.

The roll was called, and the call of the Senate was ordered by the following vote:

AYES—Senators Avery, Bills, Birdsall, Black, Boynton, Burnett, Cannanett, Cassady, Cutton, Estudillo, Hays, Hawk, Hewitt, Hobson, Hurd, Juilliard, Marshall, Regan, Sanford, Shennahan, Walker, Wolfe, and Wright—23.

NOES—Senators Bolan, Bell, Campbell, Lewis, Roseberry, Rush, Stetson, and Thompson—8.

Time, four o'clock and eight minutes.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators—Avey, Bohan, Bell, Bels, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cutton, Estrada, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Junliard, Larkins, Lewis, Martinelli, Regan, Roscierry, Rush, Sanford, Shanahan, Stetson, Thompson, Walker, Wolfe, and Wright—35.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty minutes p. m., further proceedings under call of the Senate were dispensed with, on motion of Senator Hare.

The roll of absentees was called, and the motion to reconsider the vote whereby Assembly Bill No. 136 was passed, carried by the following vote:

Ayes—Senators Bels, Birdsell, Black, Boynton, Burnett, Caminetti, Cassidy, Cutton, Estrada, Hans, Hare, Hewitt, Holohan, Hurd, Junliard, Lewis, Martinelli, Regan, Sanford, Wolfe, and Wright—21.

Noes—Senators Avey, Bohan, Bell, Bryant, Campbell, Finn, Gates, Larkins, Roscierry, Rush, Shanahan, Stetson, Thompson, and Walker—14.

SPECIAL ORDER SET.

Senator Hare moved that the further consideration of Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains—be made a special order for Friday, March 24, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

SPECIAL ORDER SET.

Senator Thompson moved that the consideration of Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder—be made a special order for Friday, March 24, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and twenty-five minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Caminetti, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment No. 6. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being: "Shall the Senate consent to the following Amendment by amendment to the Senate Constitution?"

In this life, all the personal qualities, virtues and the kind, "saintly" and lesser ones, through the word "saints."

Absent: A. H. 1961 and 1962. L. 1961. Also this century, only recorded in two elements: 1. continuous record from 1960-1962, 2. 1961-1962. (Note: these two elements are not included in the 1961-1962 continuous record.)

The roll was called, and the Senate concurred in the above Amendments to Senate Conditional Agreement No. 6 by the following vote:

[illegible]

109

The question being, "Shall the Senate consent in the following Amendment, amendatory to Senate Constitutional Amendment No. 6?"

¹ This subject is discussed in detail elsewhere in the M. S. thesis, namely the Appendix, "The Nature of the M. S. Thesis," which is available to the interested reader at the same time as the main text. A preliminary version of this subject may be found in the M. S. thesis, "The Nature of the M. S. Thesis."

The roll was called, and the Senate refused to move in the above Assembly amendment to Senate Constitutional Amendment No. 6 by the following vote:

111-11

[illegible]

1917

Senator Revised moved that the roll be called and as the name of each Senator is called, he be permitted to call up one bill.

Motion carried.

CONSERVATION OF THE WHITE-TAILED EAGLE IN POLAND

Senator Ayer asked for and was granted unanimous consent to take up Assembly Bill No. 885 for consideration out of order.

Assembly Bill No. 885. An Act to amend Sections 2, 3, 13, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions and providing penalties for the violation thereof," approved March 23, 1907.

Read third time.

The question being on the passing of the bill

The roll was called and Assembly Bill No. 885 finally passed by the following vote:

[illegible]

1111

Title read and approved

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Beban asked for, and was granted, unanimous consent to take up Assembly Bill No. 1571 for consideration, out of order.

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1571 finally passed by the following vote:

AYES—Senators Beban, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Estudillo, Finn, Hans, Hare, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Stetson, Strobridge, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS— OUT OF ORDER .

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The Sergeant-at-Arms of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore be it

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Sergeant-at-Arms of the Senate for the various sums set out herein below, amounting to the sum of \$570 44, the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Cascade Towel Supply Co., Sacramento	\$20 00
C. H. Krebs & Co., Sacramento	3 00
Siller Bros., Sacramento	5 00
C. J. Peters, Sacramento	1 75
Whiskey Hill Water Co., Sacramento	108 00
Kane & Trainor, Sacramento	42 00
C. J. Sykes, Sacramento	22 00
John Breuner Co., Sacramento	368 69

BURNETT.

Chairman Senate Committee on Contingent Expenses.

Sacramento, Cal., March 23, 1911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Wolfe, and Wright—29.

NOES—None.

Also:

WHEREAS, The Secretary of the Senate has submitted to the Senate Committee on Contingent Expenses the various bills herein set out for supplies furnished to the Senate, and the committee has examined the same and believe them to be proper charges against the Senate; therefore, be it

Resolved, That the State Controller be, and he is hereby, directed to draw his separate warrants in favor of the Secretary of the Senate for the various sums set out herein below, amounting to the sum of six hundred and forty dollars and

fifty-two cents (\$514.52), the bills for which are attached hereto, upon the Contingent Fund of the Senate, and the President is directed to pay the same.

Underwood Typewriter Co., San Francisco	\$62 00
Remington Typewriter Co., San Francisco	94 00
Wahl Stationery Co., Sacramento	282 47
Alex. Anderson, Stationery	21 00
Western Union Telegraph Co., Sacramento	20 25
Postal Telegraph Co., Sacramento	14 90

BURNETT

Chairman Senate Committee on Contingent Expenses

Sacramento, Cal., March 23, 1911

Resolution read

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ayle, Bogan, Bell, Bliss, Birdsall, Black, Baskin, Bayne, Bennett, Campbell, Chandler, Connelley, Gages, Hays, Hendon, Hurd, Lillard, Lewis, Martindale, Regan, Rosendorn, Ross, Seaton, Senter, Thompson, Wells, and Wright—27

NOES—None

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Bell asked for, and was granted, unanimous consent to take up Senate Bill No. 904 for consideration, out of order.

Senate Bill No. 904—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1020, relating to the service of summons in actions for divorce or annulment of marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 904 passed by the following vote:

AYES—Senators Ayle, Bogan, Bell, Bliss, Birdsall, Black, Bayne, Bennett, Burnett, Campbell, Martindale, Gages, Hays, Hendon, Hurd, Lillard, Lewis, Martindale, Regan, Rosendorn, Ross, Seaton, Senter, Thompson, Wells, and Wright—27

NOES—None

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Birdsall asked for, and was granted, unanimous consent to take up Assembly Bill No. 1053 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1053—An Act to amend Section 1426a of the Civil Code, relating to fees of county recorders.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

Strike out all of the title after the words "An Act", and insert in lieu thereof the following: "to add a new section to the Political Code, to be numbered Section 4300, relating to the recorder's fees."

Also, Strike out on page 1, line 1, of the printed bill, the words "Section 1426a", and insert in lieu thereof the following: "Section 4300."

Also, Strike out on page 1, line 3, of the printed bill, the words "Section 1426a", and insert in lieu thereof the following: "Sec. 4300."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1053, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Assembly Bill No. 1537 for consideration, out of order.

Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

Read third time.

On motion of Senator Birdsall, Assembly Bill No. 1537 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Senate Bill No. 1066 for consideration, out of order.

Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California to be numbered section three hundred twenty-seven, relating to gift enterprises.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1066 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Cassidy, Curtin, Estudillo, Gates, Hans, Holahan, Hard, Juddard, Lewis, Marinelli, Regan, Roseberry, Rush, Sanford, Stetson, Thompson, Wolfe, and Wright—23.

NAYS—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR ROSEBERRY IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Senator Roseberry, of the Thirty-third District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Black asked for, and was granted, unanimous consent to take up Assembly Bill No. 735 for consideration, out of order.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of

water or the use of water for generating electricity or other power for a longer period than twenty-five years, limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purpose for which it is appropriated, declaring certain water to be unappropriated, providing for the generating of license to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water, reserving to the State the right to regulate and fix the rates of compensation for such electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriation of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a State Board of Control, providing the powers and duties of said Board of Control and fixing their compensation, compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control, providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said Board of Control, declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act, repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

AYES.—Senators Aves, Bills, Blackell, Ross, Brown, Ryland, Campbell, Cassidi, Cullen, Eichel, Gates, Hans, Hendon, Hood, Johnson, Lewis, Matthews, Ransom, Roseberry, Sanford, Seaton, Thompson, Walker, Wallis, and Wright—25.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL — OUT OF ORDER

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bill No. 1385 for consideration, out of order.

Assembly Bill No. 1385.—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Lewis, as a special committee of one, to amend as follows:

On page 29, Section 4, subdivision 3, line 22, after the word "nominated", insert the following: "a primary election shall be called, and held on the third Tuesday in April in the same manner herein provided for, calling and holding September primary elections for the sole purpose of electing delegates to such party county conventions as are provided for in this subdivision, provided that notice of such April primary election shall be given by the county clerk or registrar of voters, in any city and county, by publication once each week for two successive weeks, in not more than two newspapers published in such county or city and county".

Also, Strike out lower case "t" of the word "the", before the words "state central", in line 22, on page 29, and insert in lieu thereof a capital "T".

Also: On page 30, Section 24, subdivision 3, line 41, strike out the words "last preceding September", and insert in lieu thereof the word "April".

Also: On page 30, Section 24, at the end of the last sentence in subdivision 3 thereof, insert the following: "The April primaries herein provided for shall be governed by the provisions of this Act relating to September primaries, in so far as they are applicable."

Also: On page 30, Section 24, subdivision 4, line 51, after the word "September", and before the word "primary", insert the following: "or April".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your special committee of one to whom was referred Senate Bill No. 1385, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEWIS, Committee.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one, and the amendments to Assembly Bill No. 1385, refused adoption by the following vote:

AYES—Senators Cassidy, Curtin, Hurd, Wolfe, and Wright—5.

NOES—Senators Behan, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Gates, Hans, Haro, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, and Walker—26.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1385 finally passed by the following vote:

AYES—Senators Avey, Behan, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Gates, Hans, Haro, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Constitutional Amendment No. 51 for consideration, out of order, for the purpose of amendment.

Committee Substitute for Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 4½, in relation to the establishment of a state commerce court.

During second reading of the constitutional amendment, the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT No. 51.

A resolution to propose to the people of the State of California, an Amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be designated Section 44, or addition to the Constitution of a State Commission Court.

The Legislature of the State of California, at its forty-fourth session, on the second day of January, 1911, two-thirds of the members elected to each of the two houses of the next Legislature having in favor thereof, having previous to the final adjournment of the State, the Constitution of the State of California, be amended by adding thereto a new section, to be designated 44 of Article VI thereof, to read as follows:

Section 44. The State Commission Court shall be a court of record, shall have a seal of such form and style as the court may prescribe, and shall consist of a presiding justice and two associate justices. The court shall consist of one justice and two associate justices. Two justices thereof shall constitute a quorum, and an entire majority of the court shall consist of not less than three, which shall be the minimum for the presiding justice. The original business shall be held in the city and county of San Francisco, Southern California; but the powers of the court or of any justice thereof or of any of the justices may be exercised anywhere in the State, and the transportation of the work of the court and the maintenance of order within its jurisdiction by enforcing the court shall not constitute an additional part of the State, or any of the judicial functions. The several and necessary printing and incidental expenses of the business and affairs of the court shall be paid by the State, provided, however, that the presiding justice and the other two justices shall, according to the performance of their judicial duties, receive from the State fixed by law compensation upon the basis of judicial and other compensation then received by a justice of the peace of the Judicial Commission. Compensation shall also be payable to the members of the Commission upon a pro rata basis, and the members of the court shall be paid upon the basis of the compensation then received by a justice of the peace of the Judicial Commission. Not more than one of the justices shall belong to the same political party. There shall be the execution of the type of official seal of the court, the court shall appoint two associates, who shall hold office for a term of three years. In case of a vacancy, the Governor shall appoint a justice to fill the vacancy, or hold office for the next term. All appointments shall be subject to the confirmation of the Senate at the next session thereafter. The compensation of each justice shall be ascertained from the provisions of Section 10 of Article 4 of the Constitution. Each of such justices shall receive an annual salary of not less than eight thousand dollars, payable in the several installments of the Supreme Court set paid. In the absence of the presiding justice, the justice present at that session of said court shall hold one of their offices in and one presiding justice.

The court shall have a clerk, stenographer, marshal and such other employees as may be necessary, to be appointed during the pleasure of the court. The salary of the clerk shall be three thousand dollars per annum. The salary of the stenographer shall be three thousand dollars per annum. The salary of the marshal shall be three thousand dollars per annum, and the salaries of the other officers, messengers and employees shall be fixed by law. The court and the clerk shall be established by the court, and such cases and fees shall be as now provided therefor in the Supreme Court of the State, and shall be ascertained, set and paid into the State treasury.

The State Commission Court shall have appellate jurisdiction (1) upon appeal from the superior courts in the judicial district or districts of law, or in all criminal cases growing out of the Commission of any crime of the Judicial Commission of this State or of any other public authority, there or hereafter constituted upon which has been conferred or shall hereafter be conferred the power to regulate railroad or other transportation companies, or public utility corporations, or to regulate or establish the rates of charges of such companies or corporations in their relation to the public, or the violation by any such company or corporation of any of the powers or duties of any agency thereof of any section of the Constitution or of any law prescribing the duties of any such company or corporation or any of the officers or agents or employees thereof. The words "company" and "corporation" as herein contained shall be deemed to mean and include persons, firms, corporations, partnerships, individuals or any other agencies.

(2) The State Commission Court shall have appellate jurisdiction on appeal from the superior courts in all cases at law which involve the legality of any tax, impost, assessment, toll or municipal law.

The State Commission Court shall have original jurisdiction (1) in all cases for the enforcement of any order of the Railroad Commission of California or of any public authority now or hereafter constituted upon which has been conferred or shall hereafter be conferred the power to regulate railroad or other transportation companies or public utility corporations or to regulate or establish the rates of charges of all such companies or corporations or their relation to the public.

commencing with Senator Bryant, be made a special order, immediately after the reading of the Journal.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock and twenty-five minutes P. M. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Wolfe moved that Section 2 of Article IV of the Constitution, and the provision of that section thereof requiring that no bill shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members thereof, be suspended, and that he be permitted to introduce a concurrent resolution.

The roll was called, and the constitution suspended by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Boynton: Senate Concurrent Resolution No. 21—Relating to the consideration of Senate and Assembly bills.

MOTION.

Senator Wolfe moved that Senate Concurrent Resolution No. 21 be placed on file, without reference to committee.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 21.

Relating to the consideration of Senate and Assembly bills.

Resolved by the Senate, the Assembly concurring. That after twelve o'clock, noon, of Saturday, the 25th day of March, 1911, the Senate will consider only Assembly bills and the Assembly will consider only Senate bills; *provided*, that either body may concur in or recede from amendments of the other body to bills, or recede from its own amendments to bills, and also may act upon reports of conference and free conference committees.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Beban, Bills, Birdsall, Black, Boynton, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—24.

NOES—None.

Senate Concurrent Resolution No. 21 considered engrossed, and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

ON EDUCATION

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Education, of which was referred Assembly Constitutional Amendment No. 2, A resolution in response to the proposition of the State of California, in Amendment to Section 7, Article IX, of the Constitution of the State of California, is gratified in the smallest degree for the use of 1001 books in the common schools throughout the State, have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

STORRIDGE, Chairman.

Assembly Constitutional Amendment No. 2 ordered on file.

ON PRINTING

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to which was referred Senate Bill No. 539—An Act to amend Section 531 of the Printing Code, relating to the duties of the Superintendent of State Printing, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HANS, Chairman.

Senate Bill No. 539 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1194—An Act to amend Section 4259 of the Printing Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 1194 ordered on file for second reading.

RESOLUTION—OUT OF ORDER

The following resolution was introduced.

By Senator Wright:

WHEREAS, The Senate has adopted a resolution directing and authorizing the President of the Senate to appoint a committee of three high-ranking Senators to prepare and submit to the fortieth session of the Legislature of California a new system of rules to govern the Senate and Assembly in their deliberations for the purpose of securing greater economy in time and expense; and

WHEREAS, In the opinion of the Senate, the cooperation of the Assembly is necessary in accomplishing proper revision of the rules; therefore be it

Resolved, That the Assembly be, and is hereby, invited to appoint a similar committee of three members to cooperate with and act in conjunction with the committee appointed by the Senate to recommend to the fortieth session of the Legislature a revised system of rules.

Resolution read, adopted, and ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California—and report that the same has been correctly enrolled, and presented the same to the Governor on this 23d day of March, 1911, at eleven o'clock A. M.

CASSIDY, Chairman.

commencing with Senator Bryant, be made a special order, immediately after the reading of the Journal.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock and twenty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Wolfe moved that Section 2 of Article IV of the Constitution, and the provision of that section thereof requiring that no bill shall be introduced in either house after the fortieth day of the session, without consent of three fourths of the members thereof, be suspended, and that he be permitted to introduce a concurrent resolution.

The roll was called, and the constitution suspended by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC. —(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Boynton: Senate Concurrent Resolution No. 21—Relating to the consideration of Senate and Assembly bills.

MOTION.

Senator Wolfe moved that Senate Concurrent Resolution No. 21 be placed on file, without reference to committee.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 21.

Relating to the consideration of Senate and Assembly bills.

Resolved by the Senate, the Assembly concurring. That after twelve o'clock, noon, of Saturday, the 25th day of March, 1911, the Senate will consider only Assembly bills and the Assembly will consider only Senate bills: *provided*, that either body may concur in or recede from amendments of the other body to bills, or recede from its own amendments to bills, and also may act upon reports of conference and free conference committees.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Beban, Bills, Birdsall, Black, Boynton, Campbell, Cassidy, Curtin, Cutten, Estudillo, Gates, Hans, Holohan, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Thompson, Tyrrell, Walker, Wolfe, and Wright—24.

NOES—None.

Senate Concurrent Resolution No. 21 considered engrossed, and transmitted to the Assembly.

REPORT OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

ON EDUCATION

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 2—A resolution to amend the Constitution of California in amendment to Section 5, Article IX, of the Constitution of the State of California to provide in the permanent school for the use of textbooks in the common schools throughout the State—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

STROBRIDGE, Chairman.

Assembly Constitutional Amendment No. 2 ordered on file.

ON EDUCATION

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 539—An Act to amend Section 547 of the Political Code, relating to the duties of the Superintendent of State Printing, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HANS, Chairman.

Senate Bill No. 539 ordered on file for second reading.

ON COUNTY GOVERNMENT

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1194—An Act to amend Section 1279 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 1194 ordered on file for second reading.

RESOLUTION—OUT OF ORDER

The following resolution was introduced:

By Senator Wright:

WHEREAS, The Senate has adopted a resolution directing and authorizing the President of the Senate to appoint a committee of three honorable Senators to prepare and submit to the fortieth session of the Legislature of California a new system of rules to govern the Senate and Assembly in their deliberations for the purpose of securing greater economy in time and expense; and

WHEREAS, In the opinion of the Senate, the cooperation of the Assembly is necessary in accomplishing proper revision of the rules; therefore be it

Resolved, That the Assembly be, and is hereby, invited to appoint a similar committee of three members to cooperate with and act in conjunction with the committee appointed by the Senate to recommend to the fortieth session of the Legislature a revised system of rules.

Resolution read, adopted, and ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California—and report that the same has been correctly enrolled, and presented the same to the Governor on this 23d day of March, 1911, at eleven o'clock A. M.

CASSIDY, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT. Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley Turnpike, through Calaveras and Alpine counties, to Markleeville, Alpine County, California—have had the same under consideration, and respectfully report the same back with a Senate committee substitute therefor, and recommend the adoption of said substitute and the passage thereof by the Senate. The committee further recommends that the same be referred to Committee on Finance.

GATES, Chairman.

Assembly Bill No. 982 ordered on file for second reading

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Gates asked for, and was granted, unanimous consent to take up Senate Bill No. 982 for consideration, out of order, for the purpose of amendment.

Senate Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley Turnpike, through Calaveras and Alpine counties, to Markleeville, Alpine County, California.

During second reading of the bill, the following committee substitute was submitted by committee:

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 982.

An Act to establish the Alpine State Highway, to define its course; to provide for its supervision, construction, repair and maintenance; and to make an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That certain road commencing at the Calaveras Big Tree Grove, located in Calaveras County, thence running to Dorrington in said county, thence easterly following what is known as the Big Tree and Carson Valley Turnpike, to Mount Bullion in Alpine County, thence along county road to Markleeville, in Alpine County; thence along that certain road via Kirkwood, Silver Lake, Pine Grove and Irishtown to Jackson, in Amador County, including therewith the road from Pickett's, in Hope Valley, connecting with Lake Tahoe wagon road, a state highway, at Osgood's place in El Dorado County, and the road from Mount Bullion via Loupe, in Alpine County, to Junction in Mono County, connecting with the Sonora and Mono State Highway, is hereby declared and established a state highway and shall be designated and known as the Alpine State Highway.

SEC. 2. The work of locating, surveying, constructing, repairing and maintaining said state highway is hereby placed under the management and control of the Department of Engineering, and it shall be the duty of said department to locate, survey, construct, repair and maintain said state highway along the roads above described, with such variations and modifications of grades thereon as will in the opinion of said department be deemed advisable.

SEC. 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty-five thousand dollars to be expended under the supervision of said department for the construction, repair and maintenance of said state highway and modification of grades thereon. Of the sum hereby appropriated seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1911, and the remaining seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1912.

SEC. 4. The State Controller is hereby directed to draw his warrants in such

sums and at such times as the State Engineer may present orders therefor, and the State Treasurer is directed to pay the same.

Committee substitute adopted.

Bill read second time, ordered to print, and on file for third reading.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER. RESUMED.

The following reports of standing committees were received and read
ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT, Your Committee on Finance, to whom was referred Assembly Bill No. 47—An Act to make an appropriation for the construction of the state highway from Fingert Gap, Plumas County, to the west end of Plumas Lake, Nevada County.

Also Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard at the city of Sacramento, California, providing for the appointment of a commission to select and acquire by donation or purchase, said site, and providing for the location of the armory and arsenal on said site, and appropriating money therefor.

Also Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Also Assembly Bill No. 831—An Act making an appropriation for the construction, establishment, installation and maintenance of a permanent exhibit of the industries and industries of the State of California in the exposition building at Los Angeles, California.

Also Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe, against such a water supply.

Also Assembly Bill No. 1288—An Act making an appropriation to pay the assessments which may be levied against the Fort Sutter property by the city of Sacramento for street work.

Also Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the salary of a S. S. Marshal.

Also Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Supervisors from Jefferson to consent in payment for the purpose of paying for the grounds around Sutter's Fort, and providing for the compensation of such guardian," approved March 21, 1907.

Also Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Searsville Gap, on the line between the counties of Santa Clara and Santa Cruz, into the Capitola Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 47, 675, 712, 831, 1165, 1288, 1313, 1289, and 600 ordered on file for second reading.

Also.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT, Your Committee on Finance, to whom was referred Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Also Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTEN, Chairman.

Assembly Bills Nos. 626 and 1539 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT, Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 1334—An Act to regulate the employment of females

in public places—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARKINS, Chairman.

Assembly Bill No. 1334 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Canninetti, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Also: Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 200 and 1077 read first time.

Assembly Bill No. 200 ordered referred to Committee on Finance.

Assembly Bill No. 1077 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

ADJOURNMENT.

At six o'clock and forty minutes P. M., on motion of Senator Wolfe, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, March 24, 1911.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Buck, Boynton, Canninetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estadillo, Gates, Haus, Hare, Hewitt, Holahan, Hunt, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—35

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL

During the reading of the Journal of Thursday, March 23, 1911 the further reading was dispensed with on motion of Senator Rush.

MESSAGES FROM THE ASSEMBLY

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 270—An Act relating to the process and return of prisoners from South Africa and Canada to the United States or California to the people of the State of California from the United States or Canada.

Also, Senate Bill No. 400—An Act to amend the provisions and provisions of the Boarding at the California Institution for Men, 1901 and the Board of Prisoners, to amend the provisions in general and amend the same, and to amend the provisions thereof.

Also, Senate Bill No. 400—An Act relating to the provisions concerning and creation of public utilities in municipal corporations.

Also, Senate Bill No. 311—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California relating to the testimony of witnesses of justice and other competent persons.

Also, Senate Bill No. 1008—An Act to amend the Judicial Code of the State of California by adding thereto a new section to be numbered Section 2700 relating to the removal and appointment of the Board of State Prison Commissioners.

Also, Senate Bill No. 910—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California relating to the testimony of witnesses excepted from coming after a jury to receive of justice and the testimony of the deposition or evidence of a witness, giving the name of the witness, and the deposition of such witness, or other competent persons with the name of the witness.

Also, Senate Bill No. 1002—An Act to amend the Judicial Code of the State of California by adding thereto a new section to be numbered Section 2701 relating to the removal from the office of judges.

Also, Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California relating to the process and return of prisoners from the United States or Canada.

I, B. MALLORY, Chief Clerk of the Assembly,
Do hereby certify.

Senate Bills Nos. 292, 403, 466, 910, 1008, 1013, 1032 and 911 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by providing certain power to create and control the State of California by education and free text books.

I, B. MALLORY, Chief Clerk of the Assembly,
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 16 ordered referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 534—An Act to add a new section to the Penal Code to be numbered Section 274 and relating to contributions of corporate funds for political purposes and providing punishment therefor.

Also, Assembly Bill No. 620—An Act to add a new section to the Penal Code of the State of California, under title section thereof, to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

Also, Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 3824, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine or remedy, which advertisements shall be false or misleading.

Also, Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under

certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said code, relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

Also: Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such acquisition and also for the payment of such bonds.

Also: Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 534, 653, 1169, 1305, 1544, 1177, and 1563 read first time.

Assembly Bill No. 534 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 653 ordered referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1169 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1305 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 1544 ordered referred to Committee on Finance.

Assembly Bill No. 1177 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 1563 ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation"; providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer; fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau, and making an appropriation therefor—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 25?"

Strike out all of Section 14, page 6, of the printed bill, and insert in lieu thereof the following:

"SEC. 14. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of thirty-one thousand six hundred dollars, or so much thereof as may be necessary, to be used by said board of managers in furnishing, equipping and maintaining the said bureau in accordance with the provisions of this Act, and for the payment of the salaries herein provided for, for the fiscal year ending June thirtieth, nineteen hundred and twelve, and the fiscal year ending June thirtieth, nineteen hundred and thirteen."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 25 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Campbell, Cutton, Estudillo, Gates, Hays, Hare, Hurd, Lewis, Regan, Roseberry, Sanford, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 25 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended, Senate Bill No. 13, An Act to carry into effect the provisions of certain Sections of certain chapters of the Constitution of the State of California, as said Constitution has amended November 8, 1900, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Also: Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees sustaining an Industrial Accident Board, making an appropriation therefor, defraying its expenses and providing for a pension on its awards.

Also: Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By JAMES G. WALKER, Assistant Clerk.

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 13?"

AMENDMENT No. 21

On page 10, Section 9, line 18, of the printed bill, after the word "strike" and the period (.) and insert in lieu thereof the following: "and the names and addresses of any company of which it may be a member."

AMENDMENT No. 40

On page 21, Section 18, line 25, of the printed bill, insert a comma after the word "same".

AMENDMENT No. 45

On page 21, line 28, of the printed bill, strike out the period after the word "assessment", and insert in lieu thereof a comma, and strike out the capital "P" in the word "Provided", on said line and insert in lieu thereof a small letter "p".

AMENDMENT No. 47

On page 24, Section 20, line 15, of the printed bill, strike out the period after the word "thereof", and insert in lieu thereof a semicolon, and strike out the capital letter "P" and insert in lieu thereof a small letter "p".

AMENDMENT No. 50

On page 22, Section 18, line 68, of the printed bill, after the word "insert" the following: "at any time on or before the first Monday in July."

AMENDMENT No. 52

On page 24, Section 20, lines 31 and 32, of the printed bill, strike out all beginning with the word "by" on line 31, down to and including the period after the word "county" on line 32, and insert in lieu thereof the following: "if there be no newspaper of general circulation published in such county, then by posting of such notice in three public places in such county." Said notice shall contain a description of the property to be sold together with a statement of the amount of the taxes, penalties and costs due thereon and the name of the owner of said property and a further statement that unless the taxes, penalties and costs are paid on or before the day fixed in said notice for such sale of said property, or so much thereof as may be necessary to pay said taxes, penalties and costs, said property will be sold in accordance with law and said notice."

AMENDMENT No. 53

On page 25, Section 20, line 39, strike out the comma before the word "here", and insert in lieu thereof the following: "thereof, his."

AMENDMENT No. 55

On page 27, Section 23, line 5, of the printed bill, strike out the period after the word "assessment" and insert in lieu thereof a comma, and strike out the capital letter "B", in the word "But", and insert in lieu thereof a small letter "b".

AMENDMENT No. 56

On page 27, Section 24, of the printed bill, strike out all of lines 1, 2, 2a, and 2b in said Section 24.

AMENDMENT No. 57.

On page 28, Section 24, of the printed bill, after the word "corporation", on line 14, insert the following: ", and thereupon said charter shall be so forfeited".

AMENDMENT No. 58.

On page 28, Section 24, line 16, of the printed bill, after the quotation marks after the word "forfeited", insert the following: ", and thereupon said right to do business shall be so forfeited".

AMENDMENT No. 59

On page 28, Section 24, of the printed bill, insert a comma after the word "redemption", on line 47.

AMENDMENT No. 60.

On page 28, Section 24, of the printed bill, strike out the period after the word "either", on line 53, and in lieu thereof insert a semicolon and the following: "*provided*, the rehabilitation of a corporation under the provisions of this Act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed in this Act, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered such forfeiture shall be relieved therefrom pursuant to the terms of this section only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this Act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the Secretary of State and upon the issuing of a certificate to such corporation by the Secretary of State setting forth the right of such corporation to take such new name or use its former name, as the case may be; *provided, however*, that the Secretary of State shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this State, and which has not suffered a forfeiture prescribed by this Act, or to make or use a name so closely resembling the name of such corporation heretofore organized in this State as will tend to deceive. The provisions of Title 9, Part 3 of the Code of Civil Procedure, in so far as they conflict with this section, are not applicable to corporations seeking revivor under this Act."

AMENDMENT No. 69.

On page 31, Section 25, line 42, of the printed bill, before the word "to", insert the following: "or for any person who may at any time have obtained such knowledge from any of the foregoing officers or persons,".

AMENDMENT No. 75.

On page 36, Section 29, line 19, of the printed bill, after the word "of", insert the word "any", and after the word "outstanding" insert the following: "by any city, city and county, county, town, township or district".

AMENDMENT No. 76.

On page 36, Section 29, line 23, of the printed bill, strike out all beginning with the word "him" to the end of said line, and insert in lieu thereof the following: "said Controller under this section for the moneys due said county or city and county and the townships and districts within such county or city and county."

AMENDMENT No. 77.

On page 36, Section 29, line 28, of the printed bill, after the word "city" where it first occurs in said line, insert the words "and town", and after the word "city" where it occurs the second time in said line insert the words "or town".

AMENDMENT No. 78.

On page 36, Section 29, line 30, of the printed bill, after the word "settlement" insert the word "shall", and after the word "city" insert the words "or town", and after the word "city", on line 31, insert the words "or town", and after the word "city", on line 32, insert the words "or town", and after the word "city", on line 34, insert the words "or town", and after the word "city", on line 40, insert the words "or town".

AMENDMENT No. 79.

On page 36, Section 29, of the printed bill, at the end of line 41 add the following: "The treasurer of the county or city and county shall forthwith, upon receipt by him of the moneys so hereinbefore directed to be paid by said Controller, credit the amount so received by him to the county, city and county, township or district, respectively entitled thereto, and pay the same in the manner provided by law."

AMENDMENT No. 81.

On page 36, Section 29, line 15, of the printed bill, before the word "or", insert the word "township."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 13 by the following vote:

AYES—Senators Beckwith, Black, Brown, Brown, Campbell, Cartwright, Cassady, Cutton, Estradillo, Galtso, Hays, Hays, Hunt, Judd, Judd, Lewis, Maynard, Roseberry, Stratton, Thompson, Webb, and Wolff, 21.
 NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 13?"

AMENDMENT No. 1.

On page 3, Section 2, line 20, of the printed bill, strike out the words "and business."

AMENDMENT No. 2.

On page 3, Section 3, line 11, of the printed bill, strike out the words "and business."

AMENDMENT No. 3.

On page 3, Section 3, line 12, of the printed bill, strike out the words "including licenses upon their agents."

AMENDMENT No. 4.

On page 4, Section 4, line 16, of the printed bill, strike out the words "and business."

AMENDMENT No. 5.

On page 5, Section 4, line 53, of the printed bill, strike out the words "or banks."

AMENDMENT No. 6.

On page 5, Section 4, line 55, of the printed bill, strike out the words "and business."

AMENDMENT No. 7.

On page 5, Section 4, lines 56 and 57, of the printed bill, strike out the words "it is the intention of this paragraph that all," and insert in lieu thereof the word "All."

AMENDMENT No. 8.

On page 5, Section 4, line 68, of the printed bill, strike out the word "act", and insert in lieu thereof the word "section".

AMENDMENT No. 9.

On page 5, Section 4, strike out all beginning with the word "incorporated", on line 69, down to and including the word "deposits", on line 73 of said page, and insert in lieu thereof the following: "savings and loan societies, and trust companies."

AMENDMENT No. 10.

On page 6, Section 5, lines 22 and 23, of the printed bill, beginning with the word "either", on line 22, strike out down to and including the word "act", on line 23.

AMENDMENT No. 11.

On page 6, Section 5, of the printed bill, strike out all beginning with the word "these", on line 6, down to and including the word "right", on line 20 of said section.

AMENDMENT No. 12.

On page 6, Section 7, line 2, of the printed bill, strike out the words "for the" and all of lines numbered 3 and 4 on page 7, Section 7, except the word "all", on line numbered 4.

AMENDMENT No. 13.

On page 7, Section 7, line 6, of the printed bill, strike out the words "last preceding", and insert in lieu thereof the following: "prior to the levy of the taxes provided for in Section 14, Article XIII of the Constitution of California".

AMENDMENT No. 14.

On page 7, Section 7, line 7, of the printed bill, after the word "from", insert "any and all sources on account of".

AMENDMENT No. 15.

On page 7, Section 7, line 9, of the printed bill, strike out the words "from any and all sources".

AMENDMENT No. 16.

On page 7, Section 7, of the printed bill, strike out all beginning with the word "engaged", on line 10 of said section, down to and including the word "done", on line 16 of said section, and insert in lieu thereof: "operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and the proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into or out of this State".

AMENDMENT No. 17.

On page 7, Section 7, line 9, of the printed bill, after the word "companies", insert the following: "described in Section 2 of this Act".

AMENDMENT No. 18.

On page 7, Section 8, of the printed bill, strike out all beginning with line 3 to the end of said page 7 and strike out all of page 8, and also strike out the colon (:) after the word "include", on line 2 of said Section 8, and insert in lieu thereof the following: "The franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way and other property, or any part thereof, used exclusively in the operation of their business in this State by all or any of the following, to wit: railroad companies, including street railways, whether operated in one or more counties; all sleeping cars, dining cars, drawing room cars and palace car companies; all refrigerator, oil, stock, fruit and other car loading and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity."

AMENDMENT No. 19.

On page 9, Section 8, of the printed bill, strike out all of lines 48 and 49, down to and including the word "of", on said line 49, and insert in lieu thereof the following: "Operative property mentioned in".

AMENDMENT No. 20.

On page 9, Section 8, of the printed bill, strike out all beginning with line 52 on said page to the end of said page 9 and all of page 10 down to and including the figure "4", on line 90, and insert in lieu thereof the figure "2".

AMENDMENT No. 22.

On page 12, Section 9, lines 82 and 83, of the printed bill, strike out the words "in the same line of business", and insert in lieu thereof "as that term is hereinafter defined in this section".

AMENDMENT No. 23.

On pages 13 and 14, of the printed bill, strike out all of Section 10, and insert in lieu thereof the following:

"SEC. 10. There is hereby created a board of arbitration to be known and designated as 'The State Board of Arbitration,' said board to consist of the members of the Board of Equalization and of six county assessors.

The Governor shall appoint six county assessors as members of the State Board of Arbitration, who shall serve during the pleasure of the Governor.

Said county assessors shall be appointed to hold office for a term not exceeding four years, and in no instance shall such appointment exceed their incumbency of office as county assessor.

Upon written notice to the members thereof all meetings of the State Board of Arbitration shall be held at the call of the State Board of Equalization. Such meeting shall be held at the office of the State Board of Equalization. The secretary of the State Board of Equalization shall act as the secretary of the State Board of Arbitration, and a record of the proceedings of all such meetings shall be kept and entered in the minutes of the board.

At such meetings the duties of the State Board of Arbitration shall be:

1. To finally determine, in the event of a dispute between the State Board of Equalization, the assessor and the company, what property, taxed exclusively for State purposes under subdivision (a) of Section 14, Article 13, of the Constitution of this State, is operative, and what property non-operative, or in what proportion partially operative, or in what proportion partially non-operative.

2. To equalize the assessed value of the following property when such property has been assessed above its full cash value: (a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article 13, of the Constitution of this State.

(d) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13 of the Constitution of this State.

(e) The property and the franchise of any company when said franchise is taxable under subdivision (c) of Section 14, Article 13 of the Constitution of this State.

(f) The property taxed exclusively for State purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided in subdivision (c) of Section 14, Article 13 of the Constitution of this State.

The six assessors, sitting as members at any meeting of said board shall be entitled to their return traveling expenses.

At any meeting of said board a majority shall consist of not less than three members of the State Board of Equalization and three property owners, members of said board, and a chairman, at a majority of such persons shall be holding, providing, that if one operates as a several owner, he may after a written notice of any meeting has been given by the State Board of Equalization, vote in that event, the State Board of Equalization shall assume the duties of said board as a state board of arbitration, and take care of the duties under consideration.

If any assessment made by the board of the taxable property in this county, city and county, particularly in districts furnished to him by any of the companies, as required in Section 9 of this Act, has been assessed on property where the taxpayer is nonresidential, he shall within thirty days after receiving such return, notify the State Board of Equalization thereof by mail, which must shall contain a general description of the property and the assessed value, according to the state tax-operative. He shall also send a copy of the return to the company whose property is involved. The said board shall investigate the return of the property and its use, and if an agreement between the said board, the company and the taxpayer as to the proper classification of such property can not be reached, then said board shall immediately call a meeting of the State Board of Arbitration.

If the State Board of Arbitration shall call in the report of operative property furnished to said board by any company, under the provisions of Section 9 of this Act, any person or persons of property which shall include as non-residential, the board shall within thirty days after receiving such report notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same as non-residential. It shall also send a copy of the notice to any assessor in whose county, city and county, respectively, or district, the property is located. If an agreement between the said board, the taxpayer and the company as to the proper classification of such property can not be reached, then the said board shall immediately call a meeting of the State Board of Arbitration.

At such meetings the State Board of Arbitration shall, under such rules of practice as it may deem proper, hear and determine in which the assessor and the company may be present or represented.

At such hearings the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute and determine whether such property is operative or non-residential, or is what is called narrative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company and also to the proper officers of every city and county. Said decision shall be binding upon all parties, the State, the county, city and county, respectively, or district, and the company, unless set aside by a court of competent jurisdiction, and such assessor must note the decision on his assessment roll and make assess such property accordingly.

If any company or owner of any of the foregoing assessed property puts that any of said property has been assessed above its assessed value, it may appeal to the State Board of Arbitration, by first filing written objections with the State Board of Equalization thereof, within ten days after receiving a report of said assessment; said objections to said assessment to be sent by mail to the secretary of said State Board of Equalization, and shall contain a general description of said property so assessed and also a statement of its actual cash value. The said State Board of Arbitration shall within ten days after said objections have been received and filed by said secretary, take up the matter for hearing before said State Board of Arbitration, who shall investigate the property and ascertain its cash value and thereupon fix the assessed value thereof, which assessment shall be deemed conclusive. The property herein referred to consisting of:

(a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article 13 of the Constitution of this State.

(b) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13, of the Constitution of this State.

(c) The property and the franchise of any company when said franchise is taxable under subdivision (d) of Section 14, Article 13, of the Constitution of this State.

(d) The property taxed exclusively for State purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided for in subdivision (e) of Section 14, Article 13, of the Constitution of this State."

AMENDMENT No. 24.

On page 10, Section 9, line 1, of the printed bill, strike out all beginning with the word "such" on line 1, down to and including the comma after the word "designate"

on line 2. of Section 9. and insert in lieu thereof the following: "The president or vice-president and the treasurer or secretary".

AMENDMENT No. 25.

On page 10. Section 9. line 5. of the printed bill. strike out all of said line 5. beginning with the word "one". and insert the following: "the officers so filing the same".

AMENDMENT No. 26.

On page 15. Section 12. line 1. of the printed bill. strike out the word "or" after the word "cashier". and insert in lieu thereof the word "or" before the word "cashier": and strike out all of line 2 of said Section 12. and the word "mine" on line 3 of said section.

AMENDMENT No. 27.

On page 17. Section 14. line 1. strike out all beginning with the word "every" on said line 1. down to and including the comma after the word "franchise" on line 2. of said Section 14. and insert in lieu thereof the following: "the owner or holder of every franchise subject to taxation."

AMENDMENT No. 28.

On page 17. Section 14. lines 5 and 6. of the printed bill. strike out all beginning with the word "one". on said line 5. down to and including the comma after the word "designate". on line 6. and insert in lieu thereof the following: "the holder or owner himself, if an individual, or by one of the copartners if such owner or holder is a copartnership. or by the president or vice-president and the treasurer or secretary if the owner is a corporation."

AMENDMENT No. 29.

On page 17. Section 14. strike out all beginning with the word "company". on line 8 of said section. down to and including the word "corporation". on line 9. and insert in lieu thereof the following: "owner or holder". and on line 10 of said section insert a comma after the word "prescribe".

AMENDMENT No. 30.

On page 18. Section 14. line 28. strike out the words "receive therefor". and insert in lieu thereof the following: "paid in thereon".

AMENDMENT No. 31.

On page 18. Section 14. of the printed bill. strike out all beginning with the numeral "3". on line 29. down to and including the period after the numeral "5". on line 38. and insert in lieu thereof the numeral "3".

AMENDMENT No. 32.

On page 18. Section 14. of the printed bill. strike out all beginning with the numeral "6". on line 42. down to and including the numeral "10". on page 19. line 60. and insert in lieu thereof the numeral "4".

AMENDMENT No. 33.

On page 19. Section 14. of the printed bill. strike out all of lines 63 to 66. both inclusive.

AMENDMENT No. 34.

On page 18. Section 14. line 40. of the printed bill. after the word "dates". insert the following: "during the preceding year".

AMENDMENT No. 35.

On page 19. Section 14. lines 68 and 69. of the printed bill. strike out all beginning with the word "the". where it occurs the second time. in said line 68. down to and including the word "obtain". on line 69. and insert in lieu thereof the following: "any public record".

AMENDMENT No. 36.

On page 20. Section 17. of the printed bill. strike out all of lines 6 and 7. and insert in lieu thereof the following: "reports provided for in Sections 9 and 14 of this Act may be filed at any time within 25 days after the approval of this Act."

AMENDMENT No. 37.

On page 21. of the printed bill. strike out all beginning with the word "upon". on line 7. down to and including the word "for". on line 19. and insert in lieu thereof the following: "as and in the manner provided for in this Act and".

AMENDMENT No. 38.

On page 21, line 22, of the printed bill, strike out the word "same", and insert in lieu thereof the following: "property subject to said tax".

AMENDMENT No. 39.

On page 21, Section 18, line 25, of the printed bill, strike out all of said line to and including the word "assessed", and insert in lieu thereof the following: "such assessment must be made".

AMENDMENT No. 41.

On page 21, Section 18, line 36, of the printed bill, strike out the word "promise", and insert in lieu thereof the following: "agreement existing".

AMENDMENT No. 42.

On page 22, Section 18, of the printed bill, strike out all beginning with the word "which" on line 40, down to and including the word "Then," on line 51, and insert in lieu thereof the word "that".

AMENDMENT No. 43.

On page 22, Section 18, of the printed bill, in line 52 thereof, strike out the word "promise", and insert in lieu thereof the word "agreement".

AMENDMENT No. 44.

On page 23, Section 19, of the printed bill, strike out all beginning with the period after the word "assessed" on line 7, down to and including the word "be", on line 12, and insert in lieu thereof the following: "and such assessments shall be classified and".

AMENDMENT No. 46.

On page 23, Section 19, of the printed bill, strike out all of lines 31, 32, and all of line 33 except the last two words of said line 33.

AMENDMENT No. 48.

On page 24, Section 20, lines 15 and 16, of the printed bill, strike out all beginning with the word "upon", on said line 15, down to and including the word "when" on line 16, and insert in lieu thereof the following: "provided for or levied under this Act which are".

AMENDMENT No. 49.

On page 24, Section 20, line 17, of the printed bill, strike out the words "upon assessment", and insert in lieu thereof the following: "at the time assessment is made".

AMENDMENT No. 50.

On page 24, Section 20, line 22, of the printed bill, strike out the words "following the assessment", and insert in lieu thereof the words "thereafter".

AMENDMENT No. 54.

On page 26, Section 22, line 38, of the printed bill, strike out the words "three years", and insert in lieu thereof the following: "one year".

AMENDMENT No. 61.

On page 30, of the printed bill, strike out all beginning with the word "make", on line 5, Section 25, down to and including the period after the word "state", on line 8, and insert in lieu thereof the following: "preserve the form upon which the reports required by Sections 9, 12, and 14 of this Act shall be made".

AMENDMENT No. 62.

On page 30, Section 25, of the printed bill, strike out all beginning with the comma after the word "to", on line 11, down to and including the word "cities", on line 12, and insert in lieu thereof the following: "any portion of this State".

AMENDMENT No. 63.

On page 30, Section 25, line 17, of the printed bill, strike out the words "officers of the county", and insert in lieu thereof the words "public official".

AMENDMENT No. 64.

On page 30, Section 25, line 17, of the printed bill, strike out the word "them", and insert in lieu thereof the word "him".

AMENDMENT No. 65.

On page 30, Section 25, line 22, of the printed bill, strike out the period after the word "person", and insert in lieu thereof a semicolon and add the following: "*provided, however*, that nothing in this section shall be construed as authorizing the said board to subpoena any witnesses or to require the production of any books concerning the affairs of those companies whose franchises alone are to be taxed under subdivision (a) of Section 14, Article XIII, of the Constitution of this State."

AMENDMENT No. 66.

On page 30, Section 25, line 25, of the printed bill, before the word "or" insert the following: "except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14, Article XIII, of the Constitution of this State."

AMENDMENT No. 67.

On page 30, Section 25, line 36, of the printed bill, after the word "it" insert the following: ", except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14 of Article XIII of the Constitution of this State."

AMENDMENT No. 68.

On page 30, Section 25, line 38, of the printed bill, strike out the word "company", and insert in lieu thereof the words "such companies".

AMENDMENT No. 70.

On page 31, Section 25, line 40, insert after "member" the following: "or ex-member", and on line 42, after "Controller" the following "or ex-controller", and strike out all after the word "nine", on line 5, down to and including the word "Act" on line 52.

AMENDMENT No. 71.

On page 30, Section 25, lines 31 and 32, strike out the words "organization or business of such company", and insert in lieu thereof the following: "assessment to be made under this Act."

AMENDMENT No. 72.

On page 31, Section 25, strike out all of lines 63 to 66, both inclusive.

AMENDMENT No. 73.

On page 31, Section 26, line 6, of the printed bill, strike out all beginning with the word "other" down to and including the word "therein", on said line 6.

AMENDMENT No. 74.

On page 35, Section 28, line 88, of the printed bill, strike out the comma after the word "treasurer" and the words "and the" following said comma, and insert a period and the word "The".

AMENDMENT No. 80.

On page 36, Section 29, line 43, of the printed bill, after the word "or" insert the following: "to a county or city and county for any township or".

AMENDMENT No. 82.

On page 37, Section 29, of the printed bill, strike out all of lines 48 and 49.

AMENDMENT No. 83.

On page 37, Section 32, lines 10 and 11, strike out the word "The" and all of said section after said word "the".

AMENDMENT No. 84.

On page 31, at the end of Section 25, insert the following: "The members of the State Board of Equalization are hereby authorized and empowered to act as members of said board as defined in Section 10 of this Act."

AMENDMENT No. 85.

On page 32, Section 26, line 13, after the word "shall" insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

AMENDMENT No. 86.

On page 32, Section 26, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following: "said board".

AMENDMENT No. 87.

On page 32, Section 27, line 11, after the word "shall" insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

AMENDMENT No. 88.

On page 32, Section 27, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following: "said board".

AMENDMENT No. 89.

On page 34, Section 28, line 46, after the word "shall" insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 13 by the following vote:

AYES—None.

NOES—Senators B. A. Campbell, Cartwright, Cassidy, Curtis, Cutten, Garos, Hare, Hare, Hester, Higgins, Johnson, Lewis, Martinelli, Regan, Roseberry, Sanford, Stetson, Strobel, Thompson, Warren, Werts, and Wright—22.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 14?"

On page 2, Section 2, line 27, at the period full, insert after the word "the" the word "personally".

Also, On page 2, Section 3, line 22, after the word "will", insert the word "personally".

Also, On page 3, Section 4, line 3, strike out the period, and insert in lieu thereof a comma.

Also, On page 3, Section 4, line 9, strike out the word "2".

Also, On page 6, Section 5, line 54, strike out the word "10", and insert in lieu thereof the word "15".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 14 by the following vote:

AYES—Senators Ayer, Bills, Blakes, Campbell, Cartwright, Cassidy, Curtis,

Cutten, Eganoff, Garos, Hare, Hare, Higgins, Johnson, Lewis, Martinelli, Regan, Roseberry, Sanford, Stetson, Thompson, Warren, Werts, Werts, and Wright—24.

NOES—None.

Senate Bill No. 14 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 643?"

Add the following section:

"SEC. —. This Act shall not repeal or modify an Act entitled 'An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town, township, and to secure the rights of way for the conveyance of such water to the places of use,' approved March 12, 1885, and other Acts and supplemental thereto not inconsistent therewith, or shall the same be construed to affect or change the law of the State of California as to the duty of any person, firm or corporation in charge of a public use to furnish water."

Also, Add the following, after Section 4 of the Act:

"Provided, that any person, firm or corporation, exercising the power of eminent domain and in control of water appropriated for sale, rental or distribution, shall not, by this Act, be relieved from the duty of furnishing water to irrigate the lands over which any right of way is obtained by appropriation for irrigation purposes as required by an Act entitled 'An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town thereof and to secure the rights of way for the conveyance of such water to the places of use,' approved March 12, 1885, or any other law now in force in this State."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 643 by the following vote:

AYES—Senators Ayer, Bills, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Garos, Hare, Hare, Johnson, Lewis, Martinelli, Regan, Roseberry, Sanford, Thompson, Walker, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 643 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended, Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Also: Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to theatres, concert halls, moving pictures, moving picture shows, nickelodeons, and penny arcades or other place of amusement, and fixing the penalty for the violation thereof.

Also: Senate Bill No. 989—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Also: Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Also: Senate Bill No. 1159—An Act to amend an Act entitled "An Act to provide for the incorporation of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such unincorporated territory in and as a part of such municipality, and for the disfranchising government and municipal control of unincorporated territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indefiniteness of territory annexed to incorporated towns and cities.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 925?"

On page 9, line 251, strike out the word "twenty-five", and insert in lieu thereof the following: "ten".

Also: On page 9, line 252, strike out the word "ten", and insert in lieu thereof the following: "two".

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 925 by the following vote:

AYES—None.

NOES—Senators Avey, Bell, Birdsall, Black, Cannetti, Campbell, Cartwright, Carter, Estabrook, Gates, Hahn, Holahan, Jurekard, Jones, Martinelli, Regan, Roseberry, Rush, Sanford, Searnsman, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 925?"

On page 3, Section 1, line 604 of the printed bill, after the word "Section", insert the following: "or the furnishing thereof".

Also: On page 3, Section 1, line 69, of the printed bill after the sentence following the words "then" insert the following: "provided, however, that when a bond election is held, as provided by law, for any of the purposes and said bond election, causes then the bond not succeed or fail, in accordance with law to carry out the improvement or work called for in said bond election without calling or holding the election provided for in this section: and,".

Also: On page 3, Section 1, line 69 of the printed bill, after the word "separated", insert the following: "caused by flood, fire, earthquake, or act of God".

Also: On page 3, Section 1, line 72 of the printed bill, after the word "without", insert the following: "such election or".

Also: On page 3, Section 1, line 72, of the printed bill, strike out the period and in lieu thereof insert the following: "the work to be done by day labor under direction of the board or by contract or by a combination of the two, if wholly or in part by contract, the contractor to be paid actual cost of material and labor expended by him in doing the work, plus 15 per cent to cover all profit, supervision, use of machinery and tools and other expenses, provided, that no more than the lowest current market price shall be paid for material."

Also: On page 3, Section 1, line 73 of the printed bill, strike out the word "offices", and in lieu thereof insert the word "office".

Also: On page 3, Section 1, line 123 of the printed bill, strike out the letters "aduit", and in lieu thereof insert the word "audit".

Also: On page 3, Section 1, line 182 of the printed bill, strike out the word "townships", and in lieu thereof insert the word "township".

Also: On page 6, Section 1, line 187, after the word "records", insert the following: "and unless thereto, that may have been lost, or destroyed by conflagration, public calamity, or otherwise, or".

Also. On page 6, Section 1, line 188, strike out the word "way".

Also. On page 7, Section 1, line 201, of the printed bill, strike out the word "the", appearing immediately before the word "state".

Also. Strike out all of Section 2.

Also. Insert after Section 1, the following: "SEC. 2. This Act shall take effect and be in force on and after July 15, 1911."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 925 by the following vote:

AYES. Senators Bell, Bechler, Black, Campbell, Casswright, Cassidy, Catten, Gates, Hans, Hays, Hurd, Jaffard, Lewis, Marshall, Rogers, Rosch, Stinson, Stradberg, Thompson, Walker, Wells, Wolfe, and Wright. 23.

NOES. None.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 980?"

On page 7, after line 216, insert the following:

"SEC. 2. This Act shall take effect immediately."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 980 by the following vote:

AYES. Senators Avey, Bell, Bills, Bechler, Benson, Campbell, Casswright, Cassidy, CATTIE, CATTING, Gates, Hays, Hurd, Jaffard, Lewis, Marshall, Rogers, Rosch, Stradberg, Thompson, Walker, Wells, Wolfe, and Wright. 26.

NOES. None.

Senate Bill No. 980 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 964?"

On page 2, line 10, Section 1, of the printed bill, before the word "Imports", insert the word "or".

Also. On page 2, Section 1, line 10, of the printed bill, strike out the following: "or crime departing."

Also. On page 2, Section 1, line 17, of the printed bill, after the word "or" insert the word "and". Same line strike out the word "summit". Same line strike out the word "such" and in lieu thereof insert the word "any".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 964 by the following vote:

AYES. Senators Avey, Bell, Bills, Bechler, Benson, Campbell, Casswright, Cassidy, Estabill, Gates, Hays, Hurd, Jaffard, Lewis, Marshall, Rogers, Rosch, Rush, Stradberg, Thompson, Walker, Wells, and Wright. 25.

NOES. None.

Senate Bill No. 964 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 982?"

On page 1, after line 4 insert the following: "Section 2. This Act shall take effect immediately."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 982 by the following vote:

AYES. Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Casswright, Cassidy, Catten, Eschell, Gates, Hans, Hays, Hurd, Jaffard, Lewis, Marshall, Rogers, Rosch, Stradberg, Thompson, Walker, Wells, Wolfe, and Wright. 29.

NOES. None.

Senate Bill No. 982 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1150?"

On page 2, Section 1, lines 16, 17 and 18, strike out the following: "and all such

taxes so uncollected shall be and become the property of the town or city to which said territory is annexed."

Also: On page 2, Section 1, line 23, strike out the word "have", and insert in lieu thereof the word "are".

Also: On page 2, Section 1, line 24, strike out the words "been collected", and insert in lieu thereof the following: "in the county treasury".

Also: On page 3, Section 1, line 47, after the period, insert the following:

"Provided, however, if any such taxes shall have been illegally collected within the meaning of Section 3804 of the Political Code of the State of California, such illegally collected taxes shall remain in the county treasury until after the time for the repayment of such taxes as provided by Section 3804 of the Political Code of the State of California shall have expired, after which time such taxes, if any, remaining shall be and become the property of the town or city to which said territory is annexed, as in this Act provided.

The city or town clerk of the city or town to which such territory is annexed shall be, and he is hereby, authorized to act as the redemption officer for the purpose of effecting redemption of property sold for delinquent sanitary taxes prior to such annexation in any such sanitary districts within the territory so annexed, in accordance with the provisions of section twelve, Act 3349, approved March 20, 1909."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1150 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hans, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—22.

NOES—None.

Senate Bill No. 1150 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1147?"

On page 4, Section 2, line 10, of the printed bill as amended, strike out the words "Railroad Young Men's Christian Association", and insert in lieu thereof the following: "railroad men's religious associations, to executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association."

Also: On page 4, Section 2, line 14, of the printed bill as amended, after the word "research" insert a comma.

Also: On page 4, Section 2, line 18, of the printed bill as amended, after the word "business" insert a comma.

Also: On page 4, Section 2, line 19, of the printed bill as amended, after the word "State" insert a comma.

Also: On page 4, Section 2, line 19, of the printed bill as amended, after the semi-colon following the word "commission", insert the following: "to hotel employees of season resort hotels, when authorized by the commission;"

Also: On page 4, Section 2, line 29, of the printed bill as amended, after the word "customs", insert the following: "officers and".

Also: On page 5, Section 2, lines 40, 41, and 42, of the printed bill as amended, strike out the following: "subject to this Act or to the Acts of the Congress of the United States regulating interstate commerce,"

Also: On page 6, Section 2, line 92, of the printed bill as amended, strike out after the word "proprietors" the comma, and the word "stockholders".

Also: Amend by inserting in Section 37, page 4, line 16, after the word "mercantile", the following: "or promotion".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1147 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Gates, Hans, Hare, Juilliard, Larkins, Lewis,

Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stredbridge, Thompson, Walker, Welsh, Wolfe, and Wright—29.
 NOES—None.

Senate Bill No. 1147 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1194—An Act to amend Section 169 of the Penal Code of the State of California relating to the commission of a crime.

Also, Senate Bill No. 1243—An Act to authorize and empower the State of California to pay the expense of maintaining an exhibit of the products of the State of California at the Triennial International Exposition to be held in the city of Turin, Kingdom of Italy, in the year 1911.

Also, Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code relating to tax sales.

I. R. MALLORY, Chief Clerk of the Assembly.

By THOMAS G. WALKER, Assistant Clerk.

Senate Bills Nos. 1194, 1243, and 119 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 23, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed passage to Senate Committee on Appropriations No. 14—A resolution to propose to the Senate of the State of California an amendment to the Constitution of the State of California by amending Section 7 of Article I thereof relating to the right of trial by jury by providing that the status of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

I. R. MALLORY, Chief Clerk of the Assembly.

By THOMAS G. WALKER, Assistant Clerk.

SUSPENSION OF RULES.

Senator Wolfe moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 483.

Senator Cutten asked for, and was granted, unanimous consent to take up for consideration the Assembly amendments to Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 483?"

Amend by striking out all after the word "allowed", line 46, page 2, of printed bill.

Also, Amend by striking out on line 47, page 3, of printed bill, the words "allowed and"

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 483 by the following vote:

AYES—SENATORS: AVEY, Ball, Birdsall, Campbell, Cartwright, Cutten, Estadillo, Gates, Hans, Hare, Jaffard, Lewis, Martinelli, Regan, Roscherry, Rush, Sanford, Shanahan, Stensen, Stredbridge, Walker, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 483 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 97.

Senator Campbell asked for, and was granted, unanimous consent to take up for consideration the Assembly amendments to Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California.

The question being, "Shall the Senate concur in the following Assembly amendments to Committee Substitute for Senate Bill No. 97?"

In line 8, page 1, of the printed bill, strike out the brackets, and insert in lieu thereof the following: "in writing".

Also: After subdivision 5, on page 1, of the printed bill, add a new paragraph as follows:

"When the summons is served contrary to the provisions of this section and the service is quashed or set aside any attachment levied in the case shall be immediately released."

Also: Amend the title by adding thereto the words "and providing for the release of attachment when the service of the summons is set aside".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 97 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Gates, Hans, Hare, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Stotbridge, Walker, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 97 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 16, the same was taken up for consideration.

SENATE CONCURRENT RESOLUTION No. 16.

RELATIVE TO FINAL ADJOURNMENT.

Resolved by the Senate, the Assembly concurring. That the thirty ninth session of the Legislature adjourn *sine die* at twelve o'clock, midnight, Monday, March twenty-seventh, nineteen hundred and eleven.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Walker, and Wolfe—30.

NOES—None.

Senate Concurrent Resolution No. 16 ordered engrossed, and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Also: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36-100 dollars to pay the claim of F. P. Sawyer against the State of California.

Also: Senate Bill No. 1001—An Act to declare the Sonora and Mono road in Tuolumne County a state highway.

Also: Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 355. An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Also: Senate Bill No. 400. An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Also: Senate Bill No. 505. An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Also: Senate Bill No. 522. An Act to provide for the purchase of land, stone for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 896. An Act to amend sections one, three, four, fourteenth and fifteenth of an Act entitled "An Act to provide for the laying out of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Senate Bill No. 898. An Act to amend Section 4361 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Also: Senate Bill No. 900. An Act to add a new section to the Political Code to be known as section four thousand eight hundred and ninety-six, relating to public ferries.

Also: Senate Bill No. 943. An Act to amend the charter of certain school districts, and to validate all bonds heretofore issued or to be issued by or on behalf of such districts.

Also: Committee Substitute for Senate Bill No. 1010. An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Also: Senate Bill No. 1047. An Act to provide for reclamation by the State of California for the United States of America of the right of way for water in reclamation and irrigation at the San Joaquin River, and appropriating therefor from said district for such purpose.

Also: Senate Bill No. 1124. An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, lanes, alleys, courts, and places, within municipalities, for the improvement of property, necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement," approved March 24, 1905.

Also: Senate Bill No. 1227. An Act authorizing and directing the construction of one cottage for low-grade patients at the Seamen State Home at Redbridge, California, and making an appropriation therefor.

Also: Senate Bill No. 11. An Act establishing a new normal school at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

Also: Senate Bill No. 720. An Act to promote the better education of practitioners of testing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse in municipal hospitals by the Board of Regents of the University of California, and to provide penalties for violation thereof, and repealing an Act entitled "An Act to promote the better education of practitioners of testing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse in municipal hospitals by the Board of Regents of the University of California, and to provide penalties for violation thereof," approved March 20, 1905.

Also: Senate Bill No. 963. An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Also: Senate Bill No. 28. An Act to provide for the improvement and alteration of the State Psychological Laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 87. An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 625. An Act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 649. An Act making an appropriation for furnishing and equipping two buildings at the Agnew State Hospital.

Also: Senate Bill No. 966. An Act to provide for the purchase of filing cases in the office of the Department of Engineering, and making an appropriation therefor.

Also: Senate Bill No. 1018. An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one and relating to the proof of posting and publishing notices.

Also: Senate Bill No. 1049. An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys,

courts, or other places within municipalities," approved April 21, 1909, to be numbered section five a.

Also: Committee Substitute for Senate Bill No. 1030—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Also: Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Also: Senate Concurrent Resolution No. 18—Senate Concurrent Resolution No. 18, inviting the national encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California.

Also: Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors.

Also: Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also: Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Also: Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof." (Approved March 21, 1907.)

Also: Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Also: Senate Bill No. 774—An Act providing for the time of payment of wages.

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 6354, relating to the protection and preservation of fish.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 24th day of March, 1911, at ten o'clock A. M.

CASSIDY, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of motion to reconsider the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the State courts to the courts of the United States was refused passage—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 241 was refused passage be made a special order for Friday, March 24, 1911, immediately after the special order set for three o'clock and thirty minutes P. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Consti-

tutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General—the same was taken up for consideration.

On motion of Senator Strobridge, Senate Constitutional Amendment No. 35 was passed, to be placed on the file as unfinished business.

CONSIDERATION OF SPECIAL ORDERS

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction—the same was taken up for consideration.

On motion of Senator Strobridge, Assembly Constitutional Amendment No. 34 was passed, to be placed on the file as unfinished business.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General—the same was taken up for consideration.

On motion of Senator Strobridge, Assembly Constitutional Amendment No. 35 was passed, to be placed on the file as unfinished business.

REPORTS OF STANDING COMMITTEES—RESUMED

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain persons' property, and prescribing penalties for the violation of the Act."

Also: Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to

provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions."

Also: Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen of the Constitution."

Also: Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor."

Also: Assembly Bill No. 1218—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley, and the Mariposa Big Tree Grove," approved April 15, 1880.

Also: Assembly Bill No. 1219—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities."

Also: Assembly Bill No. 1220—An Act to repeal an Act entitled "An Act to regulate and govern the state prisons of California."

Also: Assembly Bill No. 1221—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary."

Also: Assembly Bill No. 1222—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor."

Also: Assembly Bill No. 1223—An Act to repeal an Act entitled "An Act in relation to the currency of the United States."

Also: Assembly Bill No. 1227—An Act to repeal an Act entitled "An Act to abolish attorney's fees, and other charges, in foreclosure suits."

Also: Assembly Bill No. 1478—An Act to amend Section 1144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

Also: Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty six *a*, relating to the payment of the burial expenses of deceased persons.

Also: Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Also: Senate Bill No. 1289—An Act to amend Section 1272 of the Penal Code of the State of California.

Also: Assembly Bill No. 585—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Also: Assembly Bill No. 457—An Act to amend Section 950 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Also: Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 1209, 1212, 1215, 1216, 1218, 1219, 1220, 1221, 1222, 1223, 1227, 1478, 1479, 713, 585, 197, and 1386 ordered on file for second reading.

Senate Bill No. 1289 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 20—Relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STETSON, Chairman.

Senate Concurrent Resolution No. 20 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Code, relating to the classification of insurance and the capital stock insurance companies are required to have—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 803 ordered on file for second reading

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social and benevolent corporations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Assembly Bill No. 1326 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 4, 1909, by amending Section 21, of Article I, thereof—have had the same under consideration, and respectfully report the same back without recommendation.

TYRRELL, Chairman.

Assembly Bill No. 884 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1333—An Act to amend Section 626½ of the Penal Code, relating to shooting from moving boats.

Also: Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough in the county of Sutter.

Have had the same under consideration, and respectfully report the same back without recommendation.

WALKER, Chairman.

Assembly Bills Nos. 1333 and 1012 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to take up Senate Bill No. 689 for consideration, out of order.

Senate Bill No. 689—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

On motion of Senator Hurd, Senate Bill No. 689 was passed, to be placed at the foot of the file.

MEMBERS' SPECIAL URGENCY FILE.

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 682 finally passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Chubbett, Cartwright, Cassidy, Curtin, Hare, Hood, Larkins, Lewis, Martinelli, Reagin, Roschberry, Ross, Sanford, Stranbridge, Walker, Wolfe, and Wright—24.
 NOES—Senator Huns—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1172 passed by the following vote:

AYES—Senators Avey, Bell, Black, Boynton, Chubbett, Cartwright, Cassidy, Curtin, Hare, Hood, Larkins, Lewis, Martinelli, Roschberry, Sanford, Shanahan, Stranbridge, Walker, Wolfe, and Wright—25.
 NOES—Senators Reagin, Ross, Larkins, and Reagin—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER

Senator Roschberry gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1172 was this day passed.

PRESENT PRO TEM BOYNTON IN THE CHAIR

At twelve o'clock and three minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Cartwright asked for, and was granted, unanimous consent to take up Senate Bill No. 1203 for consideration, out of order.

Senate Bill No. 1203—An Act relating to bucket-shops, and defining the same, and to prohibit dealing in futures and gambling in the necessities of life and other commodities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1203 refused passage by the following vote:

AYES—Senators Cartwright, Fann, Hare, Jorillard, Roschberry, Sanford, Shanahan, and Walker—8.

NOES—Senators Bell, Black, Boynton, Bryant, Burnett, Cassidy, Curtin, Cutten, Eardillo, Gates, Huns, Larkins, Martinelli, Reagin, Stranbridge, Welch, Wolfe, and Wright—18.

SENATOR CUTTEN IN THE CHAIR.

At twelve o'clock and twenty-two minutes p. m., Senator Cutten, of the First District, in the chair.

RECESS.

The hour having arrived, the acting President declared the Senate a recess until two o'clock p. m.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

NOTICE OF MOTION TO RECONSIDER VACATED.

Senator Roseberry asked for, and was granted, unanimous consent to withdraw his notice of motion to reconsider the vote whereby Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation—was this day passed.

Senate Bill No. 1172 ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS—OUT OF ORDER.

On motion of Senator Bell, the second-reading file of Assembly bills was taken up, out of order.

Assembly Bill No. 467—An Act to regulate the use of transfers issued by the street railroad companies in cities and towns of this State.

On motion of Senator Wright, Assembly Bill No. 467 was temporarily passed on file, to retain it place.

Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levy of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San José.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the exposition building at Los Angeles, California.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe water road, a state highway.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1414—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz, into the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title to read as follows: In line 4, of the title, strike out all after the word "the" and insert in lieu thereof the following: "state hospitals of the State, who shall have arrived at the age of sixty years, constituting a State Hospital Employees' Pension Board, and make state appropriations to pay the pension provided for in this Act."

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the words "institutions of this State for the insane", and insert in lieu thereof the following: "state hospitals of this State".

Amendment adopted.

Also:

In line 7, Section 1, after the comma after the word "years", insert the following "except managers, physicians, assistant physicians, secretaries and secretaries and treasurers of boards or managers thereof."

Amendment adopted.

Also:

Strike out all of Section 2, and insert in lieu thereof the following:

"Sec. 2. The State Commission of Lenny is hereby constituted as the state hospital pension board. All applications for pensions under the provisions of this

Act shall be made to the said board in such manner and in such forms as shall be required by it. On proof of twenty-one years' service at any one or more of said state hospitals and of the age, condition and status required by section one of this Act, the said board shall act upon said application and a record of its action be transmitted to the State Controller, who shall draw his warrant on the fund appropriated for such purpose in favor of the persons entitled to pensions, and the treasurer shall pay the same. Each person whose claim is allowed shall receive a certificate in such form as the said board shall adopt. All claims for pensions after the same have been allowed shall be paid quarterly upon claims audited by said board. No member of said State Commission of Lunacy shall receive any additional compensation for acting as a member of the state hospital pension board.

Amendment adopted.

Also:

Add a new section to the Act, to read as follows:

"Sec. 3. The sum of four thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which said sum shall constitute a fund to be known as the State Hospital Employees' Pension Fund, and out of which claims for pensions allowed under the provisions of this Act shall be paid."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

In line 3, Section 1, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "twenty-seven".

Amendment adopted.

Also:

In line 3, Section 1, page 2, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "twelve".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Assembly Bill No. 1331 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

During second reading of the bill, the following amendments were offered by Senator Wolfe:

Strike out the whole of Section 1.

Amendment adopted.

Also:

In Section 2, at the end thereof strike out the "period" and add "and provided, that nothing in this Act contained shall in any manner apply to or be construed to have reference to green or fresh fruits or green or fresh vegetables".

Amendment adopted.

Also:

Strike out the whole of Section 5.

Amendment adopted.

Also:

Strike out all of Section 10, and in lieu thereof insert the following:

"All nuts, fern products, dried fruits, berries, and all products coming under the provisions of this Act, when sold by weight shall be sold only by and in terms of standard quadrangular pounds and shall not be sold for a greater weight than the true net weight thereof."

Amendment adopted.

Also:

In Section 11, line 1, after the word "goods", insert "other than fresh or green fruits".

Amendment adopted.

Also:

In section 11, add a period after the word "number", on line 4, and strike out all of lines 5, 6, and 7.

Amendment adopted.

Also:

Change the numbering of the sections so as to conform to the striking out of Section 1, and Section 5.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 1032, "An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold, and of places wherein the raw material used in such manufacture is collected, stored or sold, and for the inspection of shoddy manufactured without this State and offered for sale herein, and to provide penalties for the sale thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BRYANT, Chairman.

Assembly Bill No. 1032 ordered on file for second reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 963 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Roseberry, the third-reading file of Assembly bills, making an appropriation and relating to county government were taken up, out of order.

Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00), to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Thompson, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Shanahan, Strobbridge, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 221 finally passed by the following vote:

AYES—Senators Avey, Bell, Buss, Burdick, Black, Boynton, Burnett, Campbell, Cassady, Gates, Haas, Hedges, Hunt, Juddard, Lewis, Martinelli, Regan, Roscherry, Rush, Stevens, Strickland, Walker, Wolfe, and Wright—24.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 finally passed by the following vote:

AYES—Senators Avey, Bell, Buss, Black, Boynton, Bryant, Burnett, Campbell, Cassady, Gates, Haas, Hedges, Hunt, Juddard, Lewis, Jones, Martinelli, Regan, Roscherry, Rush, Stevens, Strickland, Walker, Wolfe, and Wright—25.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 225 finally passed by the following vote:

AYES—Senators Avey, Bell, Buss, Burdick, Boynton, Burnett, Caminetti, Campbell, Cassady, Fiske, Gates, Haas, Hunt, Hedges, Hunt, Juddard, Lewis, Martinelli, Regan, Roscherry, Rush, Strickland, Walker, Wolfe, and Wright—25.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WRIGHT IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., Senator Wright, of the Fortieth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 540 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 687 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Walker, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Hans, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Strobridge, Walker, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 923 finally passed by the following vote:

AYES.—Senators Ayes: Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cammerell, Campbell, Cassady, Eschscholtz, Evans, Gales, Hays, Hewitt, Holahan, Hord, Hubbard, Johnson, Lewis, Martinson, Regan, Roseberry, Rush, Stranbridge, Walker, Wolfe, and Wright—29.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923.—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 finally passed by the following vote:

AYES.—Senators Ayes: Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cammerell, Campbell, Cassady, Eschscholtz, Evans, Gales, Hays, Hewitt, Holahan, Hord, Hubbard, Johnson, Lewis, Regan, Roseberry, Rush, Stranbridge, Walker, Wolfe, and Wright—30.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1029.—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State, to be held in 1912.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1029 finally passed by the following vote:

AYES.—Senators Ayes: Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cammerell, Campbell, Cassady, Eschscholtz, Evans, Gales, Hays, Hewitt, Holahan, Hord, Hubbard, Johnson, Lewis, Regan, Roseberry, Rush, Stranbridge, Walker, Wolfe, and Wright—27.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1085.—An Act making an appropriation to pay the claim of John Laiden against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 finally passed by the following vote:

AYES.—Senators Ayes: Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Cammerell, Campbell, Cassady, Eschscholtz, Evans, Gales, Hays, Hewitt, Holahan, Lewis, Regan, Roseberry, Rush, Stranbridge, Walker, Wolfe, and Wright—26.

NOES.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1400.—An Act making an appropriation to pay the claim of J. Harry Russell.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1400 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Stetson, Strobridge, Walker, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1505 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Walker, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At two o'clock and forty-five minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1203 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Walker, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1567 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Walker, Wolfe, and Wright—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1317 (Committee Substitute for —An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty third class.

Read third time.

The question being on the passage of the bill.

The roll was called and Committee Substitute for Assembly Bill No. 1317 finally passed by the following vote:

[illegible]

1911

Title read and approved

Bill ordered transmitted to the Assembly.

SECOND READING: THE DE APPROPRIATION BILL, 2011 OF ORDER

On motion of Senator Fines, the second reading file of appropriation bills was taken up, out of order.

Senate Bill No. 539. An Act to amend Section 541 of the Political Code, relating to the duties of the Superintendent of State Printing.

During second reading of the bill the following amendment was submitted by committee:

On page 2 of the proposed will strike out all of words 32, 34, 35, 36, 37, 38, and the words "for like work", in line 39, and insert in their stead the following:

Provided that no person shall be required to pay said wages for any school, teachers, book binders or assistants for like work, and provided that no employer shall receive any compensation for any day in 1911 if any day in which he does not work excepting full legal holidays and the 90 days vacation provided by an Act entitled "An Act providing for vacations for certain employees of the State," approved March 15, 1909.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION

Senator Cammett moved that Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to boards of examiners, and to substitute therefor a new Section 364, relating to State Board of Control, be recalled from the Committee on Judiciary, and placed on file for second reading.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE -- RESUMED

On motion of Senator Wright, the members' special urgency file was taken up, out of order.

Senate Bill No. 1064. An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

On motion of Senator Cassidy, Senate Bill No. 1064 was temporarily passed on file, to retain its place.

Assembly Bill No. 36—An Act to provide for the survey, location,

and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

Assembly Bill No. 36 was temporarily passed on file, in the absence of Senator Curtin, to retain its place.

Assembly Bill No. 1073—An Act to amend Section 1. of an Act entitled an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1073 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Juilliard, Lewis, Martinelli, Regan, Rush, Strobridge, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine a, relating to the issuance of preferred stock by corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 817 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Estudillo, Finn, Gates, Hans, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Welch, and Wright—24.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR JULLIARD IN THE CHAIR

At three o'clock and thirty minutes P. M., Senator Juilliard, of the Eighth District, in the chair.

MEMBERS' SPECIAL URGENCY FILE—RESUMED

Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

Read third time.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Hewitt moved that the further consideration of Senate Constitutional Amendment No. 28 be made a special order for Friday, March 24, 1911, immediately after the consideration of Assembly Bill No. 113.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL No. 113—RESUMED

The question being on the passage of the bill,

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Hans moved a call of the Senate.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

AYES—Senators Avey, Ball, Bills, Brisall, Black, Boynton, Caminetti, Campbell, Cassidy, Connor, Clifton, Espinilla, Finn, Gates, Hans, Hans, Hewitt, Holden, Hurd, Juilliard, Larkins, Lewis, McLaughlin, Quinn, Rosser, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and fifty minutes P. M., Senators Cartwright and Beban were brought to the bar of the Senate, and, on motion of Senator Hans, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hans.

The roll of absentees was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Shanahan moved a call of the Senate.

POINT OF ORDER.

Senator Curtin raised the point of order: "That no business had intervened since the first call of the Senate, so motion for call of Senate was out of order."

POINT OF ORDER SUSTAINED.

The acting President ruled the point of order well taken.

The acting President announced that Assembly Bill No. 113 was refused passage by the following vote:

AYES—Senators Birdsall, Boynton, Caminetti, Curtin, Cutton, Estudillo, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Rush, Shanahan, Stetson, Walker, and Wright—17.

NOES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Cassidy, Finn, Gates, Hare, Holohan, Martinelli, Regan, Roseberry, Strobbridge, Thompson, Tyrrell, Welch, and Wolfe—19.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto, to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Hewitt moved that the further consideration of Senate Constitutional Amendment No. 28 be made a special order for Friday, March 24, 1911, immediately after the consideration of the special order set for eight o'clock P. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of motion to reconsider the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States—was passed, the same was taken up for consideration.

SPECIAL ORDER SET

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 241 was passed be made a special order for Saturday, March 25, 1911, at eleven o'clock A. M.

Motion carried

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 136—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Thompson moved that the consideration of Assembly Bill No. 135 be made a special order for Saturday, March 25, 1911, immediately after the consideration of the special order heretofore set.

Motion carried

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder—the same was taken up for consideration.

SPECIAL ORDER POSTPONED

Senator Thompson moved that the further consideration of Assembly Bill No. 136 be made a special order for Saturday, March 25, 1911, immediately after the consideration of the special order heretofore set.

Motion carried.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Curtin asked for, and was granted, unanimous consent to take up Assembly Bill No. 36—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek station, in Mariposa County, California, and making an appropriation therefor—for consideration, out of order.

Read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 36 finally passed by the following vote:

AYES—Senators Ayes, Behan, Bell, Bills, Birdsall, Brennan, Bryant, Caminetti, Cassidy, Curtin, Escudé, Fane, Gibbs, Hewes, Hubbard, Hurd, Jannard, Lewis, Martinelli, Rogan, Rossberry, Shattuck, Stinson, Stoddard, Thompson, Tyrrell, Welch, Wolfe and Wright—29

NOES—None.

Title read and approved

Bill ordered transmitted to the Assembly

MOTION.

Senator Gates moved that Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof: for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof—be recalled from print, for the purpose of further amendment.

Motion carried.

Assembly Bill No. 1331 ordered recalled from print.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1064 passed by the following vote:

AYES—Senators Avey, Beban, Bills, Birdsall, Black, Bryant, Caminetti, Cassidy, Curtin, Estudillo, Hans, Hare, Hurd, Juilliard, Regan, Shanahan, Strobbridge, Thompson, Tyrrell, Welch, and Wolfe—21.

NOES—Senators Bell, Hewitt, and Roseberry—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At four o'clock and fifteen minutes p. m., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 793—An Act to add a new section to the Penal Code of California, to be designated 599g, relating to the subject of cruelty to animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 793 refused final passage by the following vote:

AYES—Senators Boynton, Estudillo, Hurd, Stetson, and Thompson—5.

NOES—Senators Avey, Beban, Bills, Black, Bryant, Campbell, Cassidy, Finn, Hewitt, Holohan, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Shanahan, Strobbridge, Tyrrell, Wolfe, and Wright—21.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 finally passed by the following vote:

AYES—Senators Avey, Baker, Bell, Boynton, Bryant, Campbell, Cassidy, Estradillo, Finn, Hare, Holahan, Juddard, Lewis, Regan, Roscherry, Shanahan, Stenson, Strobridge, Tyrrell, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code relating to the powers of boards of supervisors relating to roads.

On motion of Senator Holahan, Assembly Bill No. 1307 was temporarily passed on file, to retain its place.

Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California relating to the salaries of officers and employees of the Senate and Assembly.

On motion of Senator Hurd, Senate Bill No. 1021 was temporarily passed on file, to retain its place.

Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 10, 1883 by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 532 passed by the following vote:

AYES—Senators Bills, Black, Boynton, Bryant, Campbell, Cassidy, Estradillo, Hare, Holahan, Hurd, Juddard, Lewis, Regan, Roscherry, Rush, Sanford, Shanahan, Stenson, Strobridge, Tyrrell, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1030 finally passed by the following vote:

AYES—Senators Baker, Bell, Bills, Black, Boynton, Cassidy, Estradillo, Hare, Holahan, Juddard, Lockens, Lewis, Regan, Roscherry, Rush, Sanford, Shanahan, Stenson, Strobridge, Walker, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the state and empowering the boards of supervisors to levy taxes therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 finally passed by the following vote:

AYES—Senators Avey, Babson, Bell, Birdsall, Black, Boynton, Bryant, Cassidy, Estudillo, Hays, Hare, Holcomb, Hurd, Juddard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shannon, Stetson, Strobridge, Walker, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 265 finally passed by the following vote:

AYES—Senators Avey, Babson, Birdsall, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Carlson, Estudillo, Hare, Juddard, Martinelli, Regan, Roseberry, Rush, Sanford, Shannon, Stetson, Strobridge, Thompson, Walker, Welch, Wells, and Wright—26.

NOES—Senator Tyrrell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1079 passed by the following vote:

AYES—Senators Avey, Babson, Bell, Birdsall, Black, Boynton, Bryant, Caminetti, Carlson, Estudillo, Hare, Holcomb, Hurd, Juddard, Martinelli, Roseberry, Rush, Sanford, Shannon, Stetson, Strobridge, Walker, Welch, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Martinelli moved that Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered three hundred and seventy-four (*a*), relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the

State of California, and dumping garbage thereon—be recalled from the Assembly for purpose of amendment to the title.

Motion carried.

AMENDMENT TO TITLE

Senator Martinelli moved to amend title as follows:

On page 1, strike out all of the title and insert in lieu thereof the following: "An Act to add a new section to the Penal Code to be numbered three hundred and seventy-four (a), relating to the dumping of refuse or other refuse upon the navigable waters of the State of California, or upon the waters of the Pacific Ocean."

Amendment adopted.

Bill ordered to print, and transmitted to the Assembly.

MEMBERS' SPECIAL FREQUENCY FILE—(RESUMED)

Senate Bill No. 1281—An Act to amend Section 2712 of the Penal Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1281 passed by the following vote:

AYES—Senators Ayes, Baker, Black, Black, Black, Bryant, Catten, Estudillo, Fann, Hays, Hendon, Jernard, Larkin, Matson, R. G. R. Rosberry, Rush, Sanford, Seaton, Strickland, Thompson, Walker, Wells, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four a, providing for the formation of religious corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1287 passed by the following vote:

AYES—Senators Ayes, Baker, R. G. R. Rosberry, Black, Bryant, Estudillo, Gates, Jernard, Larkin, Martinelli, R. G. R. Rosberry, Rush, Sanford, Shanahan, Thompson, Tyrrell, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR MARTINELLI IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Senator Martinelli, of the Ninth District, in the chair.

WITHDRAWAL OF BILLS.

Senator Beynton asked for, and was granted unanimous consent to withdraw Senate Bill No. 526—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 934—An Act to amend Section 530 of an

Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Senate Bills Nos. 526 and 934 withdrawn, and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1307 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Campbell, Catten, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relating to the salaries of officers and employees of the Senate and Assembly.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1021 passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Campbell, Curtin, Catten, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Tyrrell, Walker, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1538 finally passed by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Bryant, Caminetti, Campbell, Cassidy, Catten, Estudillo, Finn, Gates, Hans, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Walker, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOURNAL

Senator Stanford moved that the further consideration of Assembly Bill No. 1467—An Act relating to the liability of common carriers by railroad in this state for injuries or death sustained by their employees—be made a second order for tomorrow, March 26, 1911, immediately after the special order heretofore set immediately after the reading of the Journal.

Motion carried.

MEMBERS' SPEECHES (Continued from yesterday)

Senate Bill No. 242—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure of the State of California, providing for the assigning and setting apart of the property of small estates of decedents for the use and benefit of widows and minor children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 242 passed by the following vote:

AYES—Senators Avey, Hulse, Biss, Bennett, Buss, Cassidy, Cramer, Curren, Easton, Gair, Hays, Hiram, Hunt, J. J. Leland, Martinelli, Rogers, Ross, Stanford, Stinson, Strickland, Tamm, Walker, and Wright—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bills Nos. 377, 590, 601, 624, 739, 1017, 1039, 612, 1966, 326, 538, 613, 104, and 378—An Act to amend Sections 626, 626a, 626d, 626f, 626g, 626h, and 626i of the Penal Code of the State of California, relating to the protection of fish and game, and adding a new section thereto to be known and numbered as Section 626j.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bills Nos. 377, 590, 601, 624, 739, 1017, 1039, 612, 1966, 326, 538, 613, 104, and 378 finally passed by the following vote:

AYES—Senators Avey, Biss, Bennett, Buss, Cramer, Cassidy, Curren, Easton, Gair, Hays, Hunt, J. J. Leland, Tamm, Martinelli, Rogers, Ross, Stinson, Strickland, Tamm, Walker, and Wright—24.
 NOES—Senator Jackson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653c, thereof, relating to the terms of office of directors in non profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Assembly Bill No. 1534 was temporarily passed on file, in the absence of Senator Wolfe, to retain its place.

Assembly Bill No. 287 (Committee Substitute for)—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 287 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Birdsall, Black, Campbell, Cassidy, Curtin, Estudillo, Gates, Hobbs, Judd, Lewis, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, and Wright—21.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Larkins asked for, and was granted, unanimous consent to take up Assembly Bill No. 361 for consideration, out of order.

Assembly Bill No. 361—An Act fixing the salaries of the judges of the superior court of the State of California in and for the county of Kern, and providing for the payment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Birdsall, Black, Cassidy, Estudillo, Gates, Hays, Hobbs, Judd, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Senator, Strobridge, Thompson, Tyrrell, Walker, and Wright—25.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Avey asked for, and was granted, unanimous consent to take up Assembly Bill No. 1166 for consideration, out of order.

Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Birdsall, Black, Bryant, Campbell, Cassidy, Estudillo, Hays, Gates, Hurd, Judd, Larkins, Lewis, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, and Wright—23.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to take up Assembly Bill No. 1083 for consideration, out of order.

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1081 finally passed by the following vote:

AYES—Senators Ayes: Bacon, Ellis, Ewing, Black, Campbell, Cassidy, Curtin, Estabrook, Hamilton, Hayes, Higgins, Henderson, Hunt, Johnson, Jones, Rogers, Rumrort, Rush, Sargent, Sherman, Stevenson, Thompson, Turner, Walker, and Williams—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(END OF BUSINESS)

Senator Hurd asked for, and was granted, unanimous consent to take up Assembly Bill No. 1081 for consideration out of order.

Assembly Bill No. 1081—An Act to provide for the sanitation of public plunge baths in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1081 finally passed by the following vote:

AYES—Senators Ayes: Bacon, Ellis, Ewing, Black, Campbell, Cassidy, Curtin, Estabrook, Hamilton, Hayes, Higgins, Henderson, Hunt, Johnson, Jones, Rogers, Rumrort, Rush, Sargent, Sherman, Stevenson, Thompson, Turner, Walker, Wells, Wolfe, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(END OF BUSINESS)

Senator Campbell asked for, and was granted, unanimous consent to take up Constitutional Substitute For Senate Constitutional Amendment No. 51 for consideration, out of order.

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 51.

A resolution to amend the constitution of the State of California, by inserting in the constitution of the State of California by adding a new section to Article VI thereof, to be designated Section 44, in relation to the establishment of a State Commission on Crime.

The Legislature of the State of California, at its regular session commencing on the second day of January, 1911, has passed the following amendments to the constitution of the State of California, which amendments are hereby proposed to the qualified electors of the State, that the constitution of the State of California be amended by adding thereto a new section, to be designated Section 44 thereof, to read as follows:

SECTION 44. The State Commission on Crime shall be a board of seven, shall have a seal of its own design and shall be organized and shall possess of a presiding justice and two associate justices. The board shall determine the organization of the commission. The commission shall possess a seal and shall have a majority of its members shall consist of six justices, which shall be appointed, subject to the approval of the State Bar Association, shall be in the city and county of San Francisco. Sixty per centum of the members of the board of any justice elected or if any of its members shall be appointed anywhere in the State, and for the expiration of the work of the board and the payment of any expense or inconvenience in service, the board shall and sessions in different parts of the State, as may be found desirable. The board shall possess traveling and incidental expenses of the justices and officers of the board shall be paid by the State, provided, however, that the justices and the officers and employees shall be relieved in the performance of their official duties shall have the same right to free transportation over the lines of railroad and other transportation companies as is granted to members of the National Commission. Immediately upon the passage of this amendment, the Governor shall appoint a presiding justice and two justices of said court to hold office, one for four years, one for eight years and one for twelve years to be deter-

mined by the Governor. Not more than two of the justices shall belong to the same political party. Thereafter at the expiration of the term of office of each justice, the Governor shall appoint his successor, who shall hold office for a term of twelve years. In case of a vacancy, the Governor shall appoint a justice to fill such vacancy to hold office for the unexpired term. All appointments shall be subject to the confirmation of the Senate at its next session thereafter. The appointment of such justices shall be exempt from the provisions of Section 19 of Article 4 of this Constitution. Each of such justices shall receive an annual salary of not less than eight thousand dollars, payable as the salaries of the justices of the Supreme Court are paid. In the absence of the presiding justice, the justices present at any session of said court shall name one of their number to act as presiding justice.

The court shall have a clerk, stenographer, marshal and such other employees as may be necessary, to hold office during the pleasure of the court. The salary of the clerk shall be three thousand dollars per annum. The salary of the stenographer shall be three thousand dollars per annum. The salary of the marshal shall be three thousand dollars per annum and the salaries of the other officers, assistants and employees shall be fixed by law. The cost and fees in said court shall be established by the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the State and shall be accounted for and paid into the State treasury.

The State Commerce Court shall have appellate jurisdiction (1) upon appeal from the superior courts or the justices' courts on questions of law alone in all criminal cases growing out of the violation of any order of the Railroad Commission of this State or of any other public authority now or hereafter constituted upon which has been conferred or shall hereafter be conferred the power to regulate railroad or other transportation companies or public utility corporations, or to regulate or establish the rates of charges of such companies or corporations or their relation to the public, or the violation by any such company or corporation or any of the officers or agents or employees thereof of any section of this Constitution or of any law prescribing the duties of any such company or corporations or any of the officers or agents or employees thereof. The words "company" and "corporation" as herein contained shall be deemed to mean and include persons, firms, corporations, partnerships, individuals or any other agencies.

(2) The State Commerce Court shall have appellate jurisdiction on appeal from the superior courts in all cases at law which involve the legality of any tax, impost, assessment, toll or municipal fine.

The State Commerce Court shall have original jurisdiction (1) in all cases for the enforcement of any order of the railroad commission of California or of any public authority now or hereafter constituted upon which has been conferred or shall hereafter be conferred the power to regulate railroad or other transportation companies or public utility corporations or to regulate or establish the rates of charges of all such companies or corporations or their relation to the public. (2) The State Commerce Court shall have original jurisdiction in all cases brought to enjoin, set aside, annul or suspend in whole or in part any order of the Railroad Commission of California or of any other public authority now or hereafter constituted upon which has been conferred or shall hereafter be conferred the power to regulate railroad or other transportation companies or public utility corporations, or to regulate or establish the rates of charges of such companies or corporations or their relation to the public.

(3) The State Commerce Court shall also have original jurisdiction in all cases involving the legality of any order of the State Board of Equalization and in all cases arising under Article 13 of the Constitution of this State or any Act of the Legislature passed pursuant thereto, and in all matters affecting the revenues of this State, except those matters which involve the revenues of any county or municipality or other political subdivision of this State, and in such matters involving the revenues of any county, municipality or other political subdivision of this State, the State Commerce Court shall have appellate jurisdiction on appeals from the superior courts.

All jurisdiction conferred upon the State Commerce Court shall be final and exclusive of any other court of this State and all jurisdiction heretofore possessed by the Supreme Court, District Courts of Appeal, superior courts or justices' courts, over which the State Commerce Court is herein given jurisdiction, is hereby transferred from said Supreme Court, District Courts of Appeal, superior courts or justices' courts and neither of said courts shall hereafter exercise any of the jurisdiction heretofore exercised by them over the matters, over which jurisdiction is herein conferred upon the State Commerce Court, but this section shall not affect the jurisdiction now possessed by the Supreme Court, District Courts of Appeal, superior courts or justices' courts of this State of cases or proceedings over which the State Commerce Court is not herein given jurisdiction.

In all cases within its jurisdiction, the State Commerce Court and each of the justices thereof shall respectively have and may exercise any and all of the powers of the justices of the Supreme Court and of the judges of the said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction conferred by this section.

or proceeding had been originally begun in or appealed to the State Commerce Court. The clerk of the court from which any case or proceeding is so transferred to the State Commerce Court shall immediately transmit a certified transcript of all the records, entries, pleadings or files in the case or proceeding up to the time of transfer.

Committee substitute for Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 51 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hans, Hare, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Senate Constitutional Amendment No. 51 ordered engrossed, and transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to take up Assembly Bill No. 791 for consideration, out of order.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 791 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Sanford, Strobbridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Senate Bill No. 1253 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California—and report that the same has been correctly enrolled, and presented the same to the Governor on this 24th day of March, 1911, at five o'clock P. M.

CASSIDY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

one of the Penal Code of the State of California, relating to the time for pronouncing sentence.

Also, Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure relating to proceedings for recovery of right of eminent domain.

And, on March 24th of the same date (transmitted) corrected, and presented the same to the Governor on this 24th day of March, 1911, at last of clock and thirty minutes p. m.

CASSIDY, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell asked for, and was granted unanimous consent to take up Assembly Bill No. 1188 for consideration, out of order.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1188 finally passed by the following vote:

AYES. Sponsors. Ayes. Behr, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curren, C. Cassady, Curtin, Est. Flo, Finn, Gates, Hans, Hare, Hurd, Juddard, Regan, Roscomby, Rich, Strickland, Thompson, Tyrrell, Walker, Wolfe, and Wright. 27.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—have had the same under consideration, and respectfully report the same back, and recommend that Senate committee substitute do pass.

ESTUDILLO, Chairman.

Senate Bill No. 9 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to take up Senate Bill No. 9 for consideration, out of order.

Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

During second reading of the bill, the following Committee Substitute for Senate Bill No. 9 was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 9.

An Act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing and making returns of the votes therefor, providing the method of notifying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At all general elections next preceding the election of a United States Senator in Congress by the Legislature of the State of California, there shall be

[illegible]

1. *ammonia solution* (adiponitrile)

will read more than needed in great haste, and third reading.

Senator Hale asked for and was granted unanimous consent to take up Assembly Bill No. 746 for consideration, out of order.

Assembly Bill No. 144, "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 31, 1882, by adding a section therein to be designated and known as Section 1716, relating to the payment and enforcement of debts against unincorporated corporations in certain cases."

Received 10 July 2006

The question became in the process of the bill

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

APPS, Stephen, Polina, Ted, Erik, Michael, David, Douglas, Christopher, Campbell, Cassius, Laura, George, Alexander, Paul, Hans, Hans, Harrison, David, Jonathan, Erik, David, David, Anthony, Alan, Susan, Schröder, Thompson, Walter, William, William, and Alexander.

11

I have read and approved:

Bill ordered transmitted to the Assembly.

REMARKS OF STANDING COMMITTEES—OUT OF ORDER

The following reports of standing committees were received and read:

1780

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

Mr. PRESIDENT: A motion is on to refer the Assembly Bill No. 982, an Act to amend the act relating to the location, survey and construction of a highway, to the Committee on Highways. The bill is reported by the Committee on Highways, by the following:—

It is shown in the Bill that the City of Los Angeles, through Charles and Albert L. Johnson, the Messrs. A. and C. Johnson, California, have had the same matter considered and approved by the Board of Supervisors of the same body, and recommend that the Committee on Highways of the Assembly Bill No. 982 do pass.

CUTTEN, Chairman.

Assembly Bill No. 982 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 628—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Also: Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

Also: Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also: Assembly Bill No. 1544—An Act to amend Section 409, 412, 413, 414, 415, and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 628, 200, 1176, and 1544 ordered on file for second reading.

Senate Bill No. 628 ordered on file for second reading.

SENATOR CUTTEN IN THE CHAIR.

At five o'clock and forty minutes P. M., Senator CUTTEN, of the First District, in the chair.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER — RESUMED.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to the Board of Examiners, and to substitute therefor a new Section 364, relating to the State Board of Control—herewith return the same to the Senate, as per order of the Senate, made this day.

STETSON, Chairman.

Assembly Bill No. 516 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections thereto to be numbered 326a and 326b, and relating to lotteries—have had the same under consideration, and respectfully report the same back with amendments, and without recommendation.

STETSON, Chairman.

Assembly Bill No. 1324 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Also: Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

Also: Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Also: Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bills Nos. 441, 442, 445, and 447 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, MARCH 24, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1563—An Act to amend Section 4247 of the Political Code of the State of California, relating to the location and construction of a bridge of masonry of the eighteenth class; have had the same under consideration, and have thereon passed the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 1563 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, MARCH 24, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration to whom was referred Assembly Bill No. 1405—An Act to amend "An Act regulating the employment and hours of labor of women, prohibiting the employment of women under certain work conditions, the prohibition of certain contract workers, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1906, have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LARKINS, Chairman.

Assembly Bill No. 1405 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, MARCH 24, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 16—A Constitution to amend in the people of the State of California an amendment to the Constitution of the State, by providing seven square feet of public free school, sitting in rooms of ventilation and light conditions, have had the same under consideration, and respectfully report the same back without recommendation.

STORRIDGE, Chairman.

Assembly Constitutional Amendment No. 16 ordered on file.

MOTION.

Senator Bills moved that Assembly Bill No. 649—An Act to amend (committee substitute new title) an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adopting a new section thereto—be recalled from the Committee on Judiciary, and re-referred to the Committee on County Government.

Motion carried.

Assembly Bill No. 649 recalled from Judiciary, and re-referred to Committee on County Government.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Assembly Bill No. 982 for consideration, out of order.

Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove located in Calaveras County, to Dorrington, Calaveras County, then running easterly following what is known as the Big Tree and Carson Valley turnpike through Calaveras and Alpine counties, to Markleeville, Alpine County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 982 finally passed by the following vote:

AYES—Senators Avey, Bell, Bliss, Birdsall, Black, Boynton, Cammerott, Cassidy, Cuthin, Curren, Fann, Gates, Holcomb, Hunt, J. J. Ford, Larkins, Lewis, Rogers, Ross, Seaton, Rush, Stetson, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Gates moved that Assembly Bill No. 1331 be sent to the printer with a rush order, and that the following proposed amendments be printed in the Journal.

Motion carried.

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1331.

On page 4, Section 14, line 11, after the word "insert", insert a comma.

Also: On page 4, Section 14, line 12, strike out the word "or", at the beginning of the line.

Also: On page 4, Section 14, line 12, after the word "packer", insert the words "or distributor."

Also: On page 4, Section 14, line 15, strike out the period after the word "label", and insert a comma, and also add the following: "provided also that the responsibility of the distributor whose name appears thereon shall be the same as that of the manufacturer, canner, or packer."

Also: On page 4, Section 14, line 12, after the word "foods", insert the words "except dairy products".

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed from Assembly Amendment No. 3 to Senate Constitutional Amendment No. 6. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Constitutional Amendment No. 6 ordered to enrollment.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At six o'clock P. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto, to be known as Section 10—report the same back to the Senate as per order this day made.

STETSON, Chairman.

Assembly Bill No. 649 ordered re-referred to Committee on County Government.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 166.—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000), to be paid to and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Senate Bill No. 166 withdrawn, and ordered stricken from the file.

SESSION.

Senator Stetson moved that each Senator be allowed to place a bill on the members' special urgency file, to be considered at the evening session of this day.

Motion carried.

LEAVES OF ABSENCE.

Senator Sanford was, on his own motion, granted leave of absence for the evening of this day.

Senator Hans was, on his own motion, granted leave of absence until Sunday, March 26, 1911.

Senator Rosberry was, on his own motion, granted leave of absence for the evening of this day.

RECESS.

At six o'clock P. M., on motion of Senator Bell, the President pro tem declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER.)

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to pass Senate Amendment No. 21 to Senate Bill No. 625—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, relating to the commission and preservation of fish, and in non-passing, the Assembly has appointed Assemblyman Jasper, Held, and Guinn as a Committee on Conference, on behalf of the Assembly to meet a like committee from the Senate.

I. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he had appointed Senators Cutton, Walker, and Bardsall as a Committee on Conference on Senate Bill No. 635, to act with a like committee from the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted, at the thirty-ninth session of the Legislature of the State of California—have had the same under consideration, and report back a committee substitute, and recommend that said substitute be adopted.

ESTUDILLO, Chairman.

Senate Bill No. 587 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cannetti asked for, and was granted, unanimous consent to take up Senate Bill No. 587 for consideration, out of order.

Senate Bill No. 587—An Act providing for the calling and holding a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors passed and adopted at the thirty-ninth session of the Legislature of the State of California.

During second reading of bill the following committee substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 587.

An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State all amendments to the Constitution of the State of California, proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the votes cast thereat.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A special election is hereby called for, and shall be held throughout the State of California, on Tuesday, the tenth day of October, 1911, and at such special election there shall be submitted to the qualified electors of said State, for adoption or rejection, in accordance with the provisions of Section 1 of Article XVIII of the Constitution of said State, all amendments to said Constitution proposed by the Legislature of said State at its thirty-ninth regular session commencing on the second day of January, 1911.

SEC. 2. The author of any amendment to the Constitution of this State, proposed by the Legislature at said session thereof, which amendment shall have been passed in the manner required by Section 1 of Article XVIII of the Constitution, and one member of the same house who voted with the majority on the submission of such amendment, and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of said session of the Legislature, shall, within ninety days after the adjournment thereof prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the Constitution, and as proposed to be amended, or in the case of a new section or article, a statement of the operation thereof, and the reasons advanced by the majority for its adoption, and the reasons advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or not be adopted, and forward such statements to the Secretary of State, provided, that in all cases where the amendment to be submitted shall have been proposed by resolutions introduced in both houses of the Legislature and shall have been adopted substantially as proposed in each house, the statement herein provided for, setting forth the reasons why such amendment should be adopted, shall be prepared by the respective authors of said resolutions. The Secretary of State shall cause to be printed at the State Printing Office, in convenient form, one and one half times as many copies of such statement

as there are registered voters in this State, and the Secretary of State shall, not less than twenty-two days before each general election, certify all such amendments to the county clerk of each county of the State, and each copy to be printed at the State Printing Office and filed and kept on record as amendments of said amendments as there are registered voters in the State, which amendments shall be numbered by the Secretary of State consecutively in the following order: First, the Senate constitutional amendments in the order of their introduction, and next, the Assembly constitutional amendments in the order of their introduction. The first Assembly amendment shall follow numerically the last Senate Amendment. At least thirty days before said general election, in which such amendments are to be voted on, the Secretary of State shall transmit such amendments to the State with one and one-half copies as many such copies of the amendments and of the amendments as there are registered voters in the county. Two copies of every amendment shall be transmitted to the county clerk of each of said constitutional amendments and of said amendments. At the same time, and in the same manner, and in the same amounts provided for in the same manner as provided and required in the Political Code, and no other publication or said amendments or of copies of them shall be necessary or authorized. No right, franchise, and no other political matter shall be discussed or certified in said statements other than their original forms as otherwise provided by law, or prepared by the county clerk for the purpose of preparing the same regarding the results of the general election of the general election, the voting machine, or similar information regarding said election.

The amendments proposed concerning the said proposed constitutional amendments shall also contain the corresponding constitutional provisions, if any, then in force, and the form of the voting machine shall contain the amendments in print, so as to facilitate comparison. These copies of the Constitution, in the form of amendments, as provided by the Secretary of the State, shall be kept at every polling place for said general election when the same is in progress, so that they may be made available to the voters.

SEC. 3. Said general election shall be provided, set, and conducted and the ballots shall be prepared, marked, and counted, transmitted and the results shall be ascertained and the returns thereof made in all respects in accordance with the law governing general elections, so far as the provisions thereof are applicable to the election provided for by this Act, except as otherwise herein specifically provided. The county clerk, or such as the secretary of the county is made out and received upon the return of the county of signatures thereon, shall receive and certify an abstract of such vote and name and up such returns, and unless it "election returns" and without delay transmit the same to the Secretary of State. If the person shall receive and certify any such abstract or returns, by a notary of the judicial county, voting machine or said county, such amendment or amendments shall become a part of the Constitution of this State.

SEC. 4. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS

SENATE CHAMBER, SACRAMENTO, March 24, 1911

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Committee Substitute for Assembly Bill No. 1177—An Act to provide for the issuing of bonds for the construction, improvement, and for the construction, construction and maintenance of sewer lines, including a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds, have had the honor to consider the same, and respectfully report the same back, and recommend that it do pass as presented.

HURD, Chairman.

Committee Substitute for Assembly Bill No. 1177 ordered on file for second reading.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Hurd asked for, and was granted, unanimous consent to take up Committee Substitute for Assembly Bill No. 1177 for consideration, out of order, for the purpose of amendment.

Committee Substitute for Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition, construction and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds.

During second reading of the bill, the following amendments were submitted by committee:

Amend the title as follows: After the word "The", and before the word "acquisition", on the second line of said title in printed bill, insert the words "construction of, or", and after the word "such", and before the word "acquisition" on fourth line of the title of the printed bill, insert the words "construction of, or".

Amendment adopted.

Also:

Amend Section 1, of the printed bill, by striking out all of that section, after the period after the figure "1", and inserting in lieu thereof the following: "The legislative body of any city, town or municipal corporation, incorporated under the laws of this State may create from time to time, as hereinafter provided, within such city, town or municipal corporation, separate sewer districts whenever in the judgment of such legislative body it may be necessary or convenient for the proper sanitation and drainage of such districts to construct or acquire any sewer or sewers therein, and may designate such districts by distinctive names and numbers and may, as hereinafter provided, provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers in such districts."

Amendment adopted.

Also:

Amend Section 2, of the printed bill, by striking out all of that section, after the period after the figure "2", and insert in lieu thereof the following: "Whenever the legislative body of any such city, town or municipal corporation shall, by resolution passed by a vote of two thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of, or acquisition by purchase or otherwise of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement, or acquisition of such sewer, and may, at any subsequent meeting, by ordinance passed by a vote of two thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work (if to be constructed), and also describe the territorial district upon which the expense of such proposed sewer work or improvement, or acquisition, shall be chargeable, as hereinafter provided, and shall provide therein for a special election to be held in such city, town or municipal corporation. At such election there shall be submitted to the qualified electors of such city, town or municipal corporation, the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, improvement, or sewer system to be acquired, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be six (6) per centum per annum, payable semi-annually."

Amendment adopted.

Also:

Amend Section 3, of the printed bill, by striking out all of that section, after the period after the figure "3", and insert in lieu thereof the following: "Said ordinance shall be published once a day for five days, prior to the date set for such election in some newspaper of general circulation designated by the legislative body of said city, town or municipal corporation, which newspaper is published once a day for at least six days a week for two weeks prior to the date set for such election, in some newspaper of general circulation designated by said legislative body, and published less

than six days a week in such municipality, and one insertion thereof in such last described newspaper each week for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week.

In municipalities where no newspaper is published, such notices shall be posted in three public places in the said municipality for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation. No other notice or such election need be given. It shall require the affirmative votes of two thirds of all the qualified qualified voters of said city, town or municipal corporation voting at such annual election, to authorize the incurring of said indebtedness and the payment of bonds therefor as provided herein; provided, however, if the municipality is authorized by such election to increase the corporate number of votes at the annual qualified election of such city, town or municipal corporation, voting at such election to meet the indebtedness for the purpose specified, the legislative body of such municipality shall have no power or authority within six months after such election, to pass any ordinance raising another election for meeting said indebtedness for such work within one year after election which has within its boundaries any of the territory of the district in which at said election the requisite number of votes for the issuance of said bonds has not been met thereby.

Amendment adopted

Also:

Amend Section 4 of the bill, by striking out all of that section after the period after the figure "4," and insert in its stead the following: "All bonds issued under the authority of this Act shall be issued in the name of the city, town or municipal corporation in which such bonds shall be issued, and shall be payable in the following manner: a part to be distributed by the legislative body of the municipality, which part shall not be less than one fourth part of the whole amount of such indebtedness, shall be payable each year, that is a day and date, and at a place within the United States, to be fixed by the legislative body of the city, town or municipal corporation issuing the said bonds, and distributed to such bond holders, together with the interest on all sums repaid or such date, until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such municipality as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day, 1st of the month of June, in each year, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semi-annually, and said bonds shall be signed by any officer or said city, town or municipal corporation designated for that purpose by the legislative body of such municipality, and the full faith of such city, town or municipal corporation, by the resolution adopted on the bonds, and all of its members, and shall also be signed by the treasurer thereof, and shall be countersigned by the clerk of said city, town or municipal corporation. The coupons of said bonds shall be numbered consecutively and signed by the treasurer.

In case any of said bonds, when secondarily offered on the market or otherwise shall be sold at a price below the maturity of such bonds to the purchaser, such circumstances shall constitute a new debt, and the proceeds of the sale of such bonds shall be paid to the same as if such bonds had remained to their full maturity of the bonds."

Amendment adopted

Also:

Amend Section 5 of the general bill, by striking out all of that section, after the period after the figure 5, and insert in its stead the following:

The legislative body of the city, town or municipal corporation within whose territory such sewer district has been created as herein provided, may issue and sell said bonds at not less than their face value, and the proceeds of the sale of such bonds shall be placed in the municipal treasury to the credit of the sewer district fund and shall be applied exclusively to the purposes and objects mentioned in the said ordinance."

Amendment adopted

Also:

Amend Section 6 of the general bill, by striking out all of that section, after the period after the figure 6, and insert in its stead the following: "Before the legislative body of such city, town or municipal corporation shall award the contract for doing any sewer work or improvement the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this Act, said legislative body of said city, town or municipal corporation, shall cause notice

[illegible]

"The taxpayer's liability for the interest shall be in addition to all other taxes levied by the municipal government, and shall be collected at the time and in the manner in which the taxes are collected, and shall be paid for and reported with the payment of the taxes on the return on property tax and the accruing interest thereon."

Amendment adopted.

Also

Armed with the S of the previous HD, by striking out all of their sections, given the period after the signs S and found in the *Journal*, New York.

It shall be the duty of the legislative body of every city, town or township corporation, whether such work or thing may be being made or required under the provisions of this Act, by such all manner of work and buildings for carrying out and maintaining such water supply improvements, to appoint one or several agents, residents and engineers to prepare look after the construction and completion of such works, provided that no other laws and general regulations governing the charter franchises or franchises granted under Section VIII, of Article XI of the Constitution of the State of Colorado, and having regard to department of public works, or the salaries and things required in this section to be done and performed by the legislative body of the municipality shall be here and performed by the board or department of public works of such city, town or township corporation.

Amendment adopted.

Also

Among Section 9, on the inverted hill, by striking out all of said section after the period after the figure 9 and insert in its stead the following:

"This Act shall be construed when any other Act by the provisions of which sewer work or sewerage is provided for shall conflict with any city, town or municipal corporation, but it is intended to read and operate as an absolute system of provisions for sewer work and sewerage work, and it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvements as the provisions of this Act, or under the provisions of any other Act. But when any proceedings for sewerage under this Act (the provisions of this Act and such amendments thereto as may hereafter be adopted, shall thereafter apply to all work and build such proceedings with the corporation thereof. If, after one or more work or improvements has been done or sewers completed under provisions of this Act, the legislative body of any city, town or municipal corporation shall deem it necessary or expedient to construct or acquire any additional sewer or sewers, it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvements as under the provisions of this Act or under the provisions of any other Act relative thereto. But any proceedings commenced in any other Acts in conflict with the provisions hereof shall be void as to all other work, proceedings commenced under the provisions of this Act except as herein provided.

The word sewer is used in this Act shall be deemed to, and is hereby amended to, include sewers for sanitary or other large purposes, drains or conduits for surface or storm waters, and the authors thereof."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1911

Mr. PRESIDENT. Your Committee on County Government, to whom was referred Committee Substitute for Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless

the same are recorded," approved March 15, 1907, by adding a new section thereto, to be known as Section 10—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Committee Substitute for Assembly Bill No. 649 ordered on file for second reading.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1473 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Regan, Thompson, Walker, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 996 finally passed by the following vote:

AYES—Senators Bell, Bills, Black, Burnett, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Hurd, Martinelli, Regan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing, on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1287 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Burnett, Campbell, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Martinelli, Regan, Strobridge, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 finally passed by the following vote:

AYES—Senators Robson, Bell, Black, Burnett, Campbell, Cartwright, Cassady, Curtin, Eustillie, Gates, Hewitt, Holahan, Hunt, Regan, Stensborg, Walker, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 980 finally passed by the following vote:

AYES—Senators Robson, Bell, Black, Burnett, Campbell, Cartwright, Cassady, Curtin, Eustillie, Gates, Hewitt, Holahan, Hunt, Martinelli, Regan, Stensborg, Walker, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Assembly Bill No. 1471 was temporarily passed on file, in the absence of Senator Boynton, to retain its place.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

On motion of Senator Stensborg, Assembly Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and defrayal of the expense thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1478 finally passed by the following vote:

AYES—Senators Robson, Bell, Black, Burnett, Campbell, Cartwright, Curtin, Eustillie, Finn, Gates, Hewitt, Holahan, Hunt, Martinelli, Regan, Stensborg, Thompson, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one

thousand seven hundred and twenty-six *a.*, relating to the payment of the burial expenses of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 202—An Act to add a new section to Title II, Part III of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 202 finally passed by the following vote:

AYES—Senators Beban, Bell, Black, Burnett, Campbell, Cartwright, Cassidy, Estudillo, Finn, Gates, Hewitt, Holohan, Hurd, Martinelli, Regan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Estudillo moved that Assembly Bill No. 1373—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 626*p.*, 626*q.*, and 626*r.*—be recalled from the Committee on Judiciary, and be re-referred to the Committee on Fish and Game.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21, of Article I thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District No. 831," and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1375 finally passed by the following vote:

AYES—Senators Beban, Bell, Black, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Martinelli, Regan, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafés hotels, and confectioneries, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafés, hotels and confectioneries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 refused final passage by the following vote:

AYES: Senators Egan, Elice, Cramer, Curtin, Fennell, Howe, Howitt, Macmillan, Rogers, Dutton, Walker, Wright, and Wright—14.

NOES: Senators Bell, Cartwright, Cassidy, Goss, Stetson, Strobridge, Thompson, and Wright—7.

Journal of May 24, 1911, continued.

Senator Bell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 8 was this day refused passage.

Senate Bill No. 700.—An Act to regulate the practice of mechanical therapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Finn moved a call of the Senate.

Motion carried.

Time, nine o'clock and fifteen minutes P. M.

The President directed the Sergeant at Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

SENATORS Baker, Bell, Ellis, Elice, Egan, Fennell, Goss, Howitt, Howitt, Hunt, Macmillan, Rogers, Stetson, Strobridge, Thompson, Tyrrell, Walker, Walsh, White, and Wright—23.

The Secretary announced the absentees.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and seventeen minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Finn.

The roll of absentees was called, and Senate Bill No. 700 passed by the following vote:

AYES: Senators Baker, Bell, Ellis, Elice, Egan, Fennell, Goss, Howitt, Hunt, Macmillan, Rogers, Stetson, Strobridge, Thompson, Tyrrell, Walker, Walsh, White, and Wright—24.

NOES: Senators Elice and Howitt—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1251.—An Act to amend an Act entitled "An Act authorizing municipal corporations, other than freeholder charter cities,

to change their names, and providing the procedure therefor." approved March 3, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1251 refused passage by the following vote:

AYES—Senators Finn, Gates, Hewitt, Hurd, Juilliard, Martinelli, Regan, and Rush—8.

NOES—Senators Avey, Bell, Bills, Black, Boynton, Campbell, Cartwright, Curtin, Hare, Holohan, Lewis, Stetson, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Boynton gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1251 was this day refused passage.

REPORT OF STANDING COMMITTEE— (OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California to be numbered Sections 626*q* and 626*r*—hereby return the same to the Senate, in accordance with the order of the Senate this day made.

STETSON, Chairman.

Assembly Bill No. 1373 ordered re-referred to Committee on Fish and Game.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Joint Resolution No. 26, the same was taken up for consideration.

SENATE JOINT RESOLUTION No. 26.

Relative to a graduated system of taxation to be enacted by the Government of the United States.

WHEREAS, The centralization of wealth in the hands of the few prevents the equitable distribution of the profits of industry and of labor among our people and has become a menace to free government by its corrupting influence in private and public life, by establishing false standards of excellence among men, by direct and indirect bribery of public officials, by improperly influencing the National Congress and the several state legislatures, and in some instances by extending its blighting power to the judiciary of the country, thus assailing and endangering the principles of liberty and equality upon which our government is founded; and

WHEREAS, The best means of correcting an evil is by removing and preventing its cause; be it

Resolved by the Senate and the Assembly of the State of California, jointly. That the Congress of the United States be memorialized upon this overshadowing and all important question, and that the members of both branches of Congress be requested to provide a graduated system of taxation upon incomes and inheritances, and if necessary upon property itself, proposing such constitutional amendments and enacting such laws as may be required in the premises, for the avowed purpose of preventing the centralization of wealth, and of securing a wider and more equitable distribution thereof, thereby insuring general prosperity as well as securing and preserving the blessings of liberty and equality to the whole people; be it further

Resolved. That copies of this resolution be properly certified and forwarded to the President of the United States Senate, and to the Speaker of the House of Representatives, respectively.

MOTION.

Senator Boynton moved that Senator Cartwright's address on Senate Joint Resolution No. 26 be printed in the Journal of Saturday, March 25, 1911.

Motion carried.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of Senate Joint Resolution No. 26 be made a special order for Saturday, March 25, 1911, at eleven o'clock A. M.

Motion carried.

PRESIDENT PRO TEM BOYNTON IN THE CHAIR.

At ten o'clock and forty minutes P. M. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

THIRD READING FILE OF APPROPRIATION BILLS—(OUT OF ORDER.)

On motion of Senator Flinn, the third-reading file of appropriation bills was taken up, out of order.

Senate Bill No. 963—An Act making an appropriation for the Department of Engineering for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the Straits of Caraquez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 963 passed by the following vote:

AYES—Senators Ayes, Baker, Bell, Bell, Boynton, Bryant, Canham, Cassidy, Carlin, Eschbach, Flinn, Gates, Harbo, Hewitt, Holahan, Jaillhard, Lewis, Martinelli, Rush, Shanahan, Skatson, Thompson, Walsh, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice thereon, and appropriating the sum of five thousand dollars therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1253 passed by the following vote:

AYES—Senators Ayes, Baker, Bell, Bell, Boynton, Bryant, Canham, Cartwright, Cassidy, Carlin, Flinn, Gates, Harbo, Hewitt, Holahan, Jaillhard, Lewis, Martinelli, Rogers, Rush, Shanahan, Skatson, Thompson, Walsh, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cassidy arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: It was understood that there would be no night session of the Senate on Tuesday, March 22d, and after making my report as chairman of the Committee on Engrossment and Enrollment, at about 4.20 p. m., I was called to attend a meeting of the Assembly Committee on Public Health and Quarantine. They desired to consider my bill (Senate Bill No. 961), which is known as the "Oyster Bill," and had been pending final action at their hands for some weeks. After leaving this meeting, I went to my committee room, that of Engrossment and Enrollment, to ascertain if there were any further reports to make before adjournment. I was informed that everything had been reported to the Senate. It was then 5 o'clock p. m. Thereafter I left the building to keep an engagement which I had made, and spent the night with friends. When I left the Senate Chamber, Senate Bill No. 965 was not under discussion, and no call of the Senate was anticipated by me.

When I arose the following morning, I was greatly surprised to read the press accounts of the Senate call, and the great trouble my absence had caused the members thereof. This was the first knowledge I had of it.

I desire to express to the President and my fellow members of the Senate the deep regret I feel for this unfortunate occurrence.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Committee Substitute for Senate Constitutional Amendment No. 51. A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 41, in relation to the establishment of a State Commerce Court—and report that the same has been correctly engrossed.

CASSIDY, Chairman.

Committee Substitute for Senate Constitutional Amendment No. 51 ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Assembly Bill No. 516 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to boards of examiners, and substitute therefor a new Section 364, relating to State Board of Control.

During second reading of the bill, the following amendments were offered by Senator Caminetti:

Strike out of Section 1, lines 2, 3, 4, and 5, page 1, the words and figures "and there is hereby substituted to take the place thereof in such Code a new section to read as follows:

364. "The State Board of Control shall consist of three members to be appointed by the Governor," and inserting in lieu thereof the following: a period.

Amendment adopted.

Also:

Strike out after the word "Examiners", in line 3 of title, the "comma", and insert a "period".

Amendment adopted.

Also:

Senate adjourns the "evening" session, on this 24th of March, the following: "and to adjourn to the next morning at such Session and adjourn to the next Session at 10 o'clock."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

REMARKS OF SENATOR BLACK

At eleven o'clock and five minutes P. M., Senator Black, of the Twenty-eighth District, in the chair.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 135—An Act to amend Section 189 of the Penal Code, relating to the punishment of murder—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Thompson moved that the further consideration of Assembly Bill No. 135 be made a special order for Saturday, March 25, 1911, at two o'clock P. M.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 136—An Act to amend Section 212 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains—the same was taken up for consideration.

SPECIAL ORDER SET

Senator Thompson moved that the further consideration of Assembly Bill No. 136 be made a special order for Saturday, March 25, 1911, immediately after the consideration of the special order heretofore set. Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 42, the same was taken up for consideration.

Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to the formation of consolidated city and county governments.

During the reading of the Senate constitutional amendment, the following amendments were offered by Senator Hewitt:

On pages 1 to 4, inclusive, of the printed amendment, strike out all of lines 8 to 112, inclusive, and insert in their stead the following:

"Sec. 7. The Legislature may, by general laws, provide for the annexation to and consolidation with any existing city and county, containing a population of at least two hundred thousand, as determined by the last preceding United States census, of con-

iguous territory, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situated in different counties, to be under the government of such city and county. The Legislature may also, by general laws, provide for the consolidation into one municipal government, with one set of officers, and the combined powers of a city and of a county, and with a charter framed and adopted as hereinafter provided, of city and county governments within the territory included in any city or cities, or within such territory and other territory unincorporated, whether the territory to be included in such consolidated city and county be situated wholly in one county, or parts thereof be situated in different counties. The territory to be so included shall be contiguous, and shall contain a population of at least two hundred thousand, as determined by the last preceding United States census. No city shall be divided by any such annexation or consolidation, nor shall any part of the territory of a county be annexed to, or be consolidated with, or be included in, any city and county in such manner that the remaining territory of such county shall completely surround such city and county, or shall not be contiguous, or shall contain a population of less than eight thousand, but this shall not be construed so as to prevent the annexation to, consolidation with, or inclusion in, any such city and county of an entire county. The Legislature, in providing for the formation of a new city and county by consolidation, shall provide for the election or appointment of a board of freeholders, with qualifications as prescribed by the Legislature, to prepare and propose a charter for the government of such city and county, and shall also provide for the submission thereof to the qualified electors within the territory to be included therein, for ratification or rejection. No city or unincorporated territory shall be included in any proposed consolidated city and county, or be consolidated with any existing city and county, without the assent of a majority of the qualified electors of such city or territory and of the whole of each county containing such city or any part of such territory, voting on the proposition, at an election at which such proposition shall be submitted; nor, in the case of a proposed consolidation of city and county governments with a charter therefor, as above provided, unless a majority of the qualified electors of each city, and also of the unincorporated territory, if any, to be included therein, voting thereon at such election, shall also ratify such proposed charter, which shall be submitted at such election. If such proposed consolidation of city and county governments be approved and the proposed charter therefor be ratified, as above provided, such proposed charter shall thereafter be submitted to the Legislature for approval or rejection as a whole, without power of alteration or amendment, and the provisions of section eight of this article respecting the manner and effect of the approval, by the Legislature, of charters therein mentioned, shall, so far as applicable, apply to charters prepared under the authority of this section. Any freeholders' charter framed under the authority of this Constitution for the government of a city and county may provide for the establishment and dissolution of a borough system of government, within any part of the territory included, or to be included, in such city and county, with such special municipal powers as such charter may provide. Every city and county which shall be formed, or the territory of which shall be enlarged, from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities, and be entitled to a just proportion of the property and assets, of such county or counties, existing at the time such territory is so taken; and the Legislature shall prescribe the manner of determining and effecting the division of such debts, liabilities, property and assets. Every charter framed under this section shall provide for the payment of all debts and liabilities of each city consolidated in the city and county to be governed thereby, outstanding at the date of such consolidation, and prescribe the territory in any such city and county within which taxes shall be levied and collected for the payment thereof. No property in any territory within the limits of any city and county enlarged by consolidation, under the provisions of this section, shall ever be taxed for the payment of any municipal indebtedness or liability, outstanding at the date of such consolidation and for the payment of which the property in such territory was not, prior to such consolidation, subject to taxation, unless, at the election at which such consolidation was authorized, there shall have been submitted to the qualified electors of such territory the proposition that such consolidation and the taxation of such property for the payment of such indebtedness or liability, be approved, and the same shall have been approved by a majority of such electors, voting at such election. The legislative body of such city and county shall provide for the payment of all debts and liabilities of each city so consolidated therein, and shall levy and collect the necessary taxes therefor. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated governments. The provisions of this article as to the removal of county seats and the formation of new counties shall not apply to the formation, or to the extension of the territory, of such consolidated cities and counties. The Legislature shall enact such laws as shall be necessary to provide for the proper conduct of the affairs of any city and county formed under the authority of this section, until the organization thereof under its charter and to prevent an interruption of the government of any county from which territory is taken for the formation or enlargement of any city and county, and, in case the county seat of any such county is included in the territory so taken, to provide for the establishment of a new

county sent in such county; and to provide for the holding of superior and inferior courts and the proper judicial jurisdiction thereof in and such county or city and county, until otherwise provided for by law. The Legislature shall enact such other laws as may be necessary to carry into effect the purposes of this section."

Amendment adopted.

Senate constitutional amendment ordered to print and on file

SPECIAL ORDER SET

Senator Hewitt moved that the further consideration of Senate Constitutional Amendment No. 42 be made a special order for Saturday, March 25, 1911, at eleven o'clock a. m.

Motion carried.

CONSIDERATION OF SPECIAL ORDERS

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 28, the same was taken up for consideration.

Senate Constitutional Amendment No. 28. A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters.

SPECIAL ORDER SET

Senator Hewitt moved that the further consideration of Senate Constitutional Amendment No. 28 be made a special order for Saturday, March 25, 1911, immediately after the consideration of special order heretofore set.

Motion carried.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR

At eleven o'clock and fifteen minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Campbell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1568 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1568.—An Act to amend section four thousand two hundred and sixty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of line 17, page 2, the words "outside of his own county", and inserting in lieu thereof the following: "a period" after the word "State", on said line 17.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1568, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to take up Assembly Bill No. 1569 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 28, 29, 30, 31, and 32, page 2, all after the word "annum", including the "comma" in said line 28, and inserting in lieu thereof the following: a period after the said word "annum", also add thereafter the following: "The assessor shall appoint a deputy or deputies when needed, at a per diem of five dollars, but the salaries of such deputy or deputies shall not exceed in the aggregate the sum of twelve hundred and fifty dollars".

Also: Strike out of Section 1, line 9, page 1, the "period", and insert in lieu thereof the following: "and one deputy clerk, which office of deputy clerk is hereby expressly created. The office of deputy clerk shall be filled by the clerk by appointment, with the consent of the board of supervisors manifested by at least a four-fifths vote thereof, and said deputy clerk is to be at all times as to his duties under the supervision and control of the clerk, and said deputy clerk shall receive a salary of nine hundred dollars per annum."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1569, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print, and on file for third reading.

MOTION.

Senator Wolfe moved that all Senate bills left on the members' special urgency file be considered Saturday, March 25, 1911, immediately after the reading of the Journal, and all Assembly bills be considered Saturday, March 25, 1911, after the special orders heretofore set.

Motion carried.

ADJOURNMENT.

At eleven o'clock and twenty minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1447—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts.

Also: Assembly Bill No. 1455—An Act to amend sections one, two, three and four and to repeal sections four and one half and five, of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add three new sections to said Act to be numbered five, six and seven.

Also: Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Also: Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard, providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards within such districts; providing for the election of such commission, their term of office, and of elections to be held in such districts, and repealing all Acts and parts of Acts in conflict therewith.

Also: Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday and providing a penalty for the violation thereof.

Also: Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-Book Committee.

Also: Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for cooperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

Also: Assembly Bill No. 1460—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to certain cities of the second and one half class.

Also: Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

Also: Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California, to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug or food.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1447, 1455, 1574, 1575, 579, 391, 940, 1460, 1449, and 1167 read first time.

Also: Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Also: Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Also: Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Also: Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Also: Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Also: Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Also: Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Also: Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

Also: Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom, to the city of Oakland, and regulate the management, use and control thereof.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a 'Fish and Game Preservation Fund' and unite the 'Fish Commission Fund' and the 'Game Preservation Fund' into a common fund to be known as 'Fish and Game Preservation fund,'" approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Also: Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Also: Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodation for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Also: Senate Bill No. 680—An Act to amend Section 4236 of the Political Code, relating to officers and salaries in counties of the seventh class, and to amend Section 4265 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1133, 1173, 1211, 1234, 1256, 137, 155, 181, 266, 339, 957, 1280, 1283, 568, 974, 1042, 1043, 1049, 1132, 1134, 399, 423, 450, 657, and 680 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 84 of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 48 ordered to enrollment

Also: On page 5, line 69, paragraph 4, of the printed bill, after the word "and" strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Also: On page 4, line 46, of the printed bill, paragraph 3, after the word "and", strike out the word "thirty", and insert in lieu thereof the word "fifty".

Also: on page 5, line 60h, paragraph 4, of the printed bill, after the word "month", add the following: " ; two deputies at a salary of one hundred and fifty dollars each per month who shall be accountants and department auditors".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 915 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Baynton, Burnett, Campbell, Cartwright, Cassidy, Gates, Hewitt, Hochen, Hurd, Juilliard, Lewis, Martinelli, Rash, Stetson, Thompson, Tyrrell, Walker, Wolfe—22.

NOES—None.

Senate Bill No. 915 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 350. An Act to amend Sections 626, 626a and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 453. An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions, to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine, to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese, to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Also: Senate Bill No. 504. An Act to amend Section 40525 of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park, library or playground purposes by county boards of supervisors.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 350?"

In line 3, Section 1, page 1, of the printed bill, insert before the word "every", the figures "626" and a period (.).

Also: In line 4, Section 1, page 1, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Also: In line 14, Section 1, page 1, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Also: In line 1, of the title, after the figures "626", insert a comma (,) and the figures and letter "626a".

Also: Amend by inserting after line 17, Section 1, page 1, of the printed bill, the following:

"Sec. 2. Section 626a of the Penal Code of the State of California is hereby amended to read as follows:

626a. Every person who between the first day of October and the fifteenth day of July of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor, except as hereinafter provided, provided, that in game districts numbers four and six of the State of California every person who between the fifteenth day of November and the fifteenth day of August of the following year, hunts, takes, kills or pursues or destroys or has in his possession any dove is guilty of a misdemeanor, provided further, that every person in game districts numbers two and five of the State of California who between the fifteenth day of October and the first day of August of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor."

Also: Amend by striking out the figure "2" in the first line, on page 2, of the printed bill, and inserting in lieu thereof the figure "3".

Also: On page 1, Section 1, line 6, strike out the words "black sea brant".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 430 by the following vote:

Ayes—Senators Avey, Brown, Bell, Black, Bowers, Burnett, Campbell, Cartwright, Cawright, Coombs, Edwards, Hunt, Juddard, Jones, Macintosh, Raspberry, Rush, Seaford, Stevens, Strickland, Thompson, Tyrrell, Walker, Wolfe, and Wright—20.
 Nays—None.

Senate Bill No. 430 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 431?"

On page 14, Section 12, line 16 of the printed bill, as amended, strike out the word "and", and insert therein the following: "and".

Also, On page 14, Section 12, line 18 of the printed bill, as amended, strike out the following: "and inserted in line 16 of the printed bill."

Also, On page 14, Section 12, line 20, of the printed bill, as amended, strike out the word "and", and insert in line 16 of the printed bill, the following: "and".

Also, On page 14, Section 12, line 24 of the printed bill, as amended, strike out the word "and", and insert in line 20 of the printed bill, the following: "and".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 431 by the following vote:

Ayes—Senators Avey, Bell, Mitchell, Black, Bowers, Burnett, Campbell, Cartwright, Cawright, Coombs, Edwards, Hunt, Juddard, Jones, Macintosh, Raspberry, Rush, Seaford, Stevens, Thompson, Tyrrell, Walker, Wolfe, and Wright—20.
 Nays—None.

Senate Bill No. 453 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 504?"

On page 1, Section 1, line 3, after the word "penalty", insert the following: "of the first class."

Also, On page 1, Section 1, line 7, strike out the words after the word "fail", and insert the following: "within three years".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 504 by the following vote:

Ayes—Senators Avey, Bell, Mitchell, Black, Bowers, Burnett, Campbell, Cartwright, Cawright, Coombs, Edwards, Hunt, Juddard, Jones, Macintosh, Raspberry, Rush, Seaford, Stevens, Thompson, Tyrrell, Walker, Wolfe, and Wright—28.
 Nays—None.

Senate Bill No. 504 ordered to enrollment.

Also

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day introduced and passed as amended, Senate Bill No. 933—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 62 thereof, and by adding a new section to be numbered Section 68.

Also, Senate Bill No. 938—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the seventh class.

Also, Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of judges of counties of the twenty-eighth class.

Also, Senate Bill No. 1007—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Also, Senate Bill No. 1074—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Also, Senate Bill No. 1278—An Act to amend section four thousand two hundred

thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 939?"

In line 102, on page 4, strike out beginning with the word "school", down to and including the word "county", in line 102*d* on the same page and insert in lieu thereof the following: "or school district of this State; bonds of the permanent road division in any county issued in pursuance of the provisions of part three, title six, article nine of the Political Code; bonds issued by irrigation districts which are permitted to be invested in as provided for in an Act of the thirty-ninth session of the Legislature entitled "An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller," approved March 9, 1911; bonds of any sewer district, drainage district, protection district, or sanitary district, in any county in this State, *provided*, that the total amount of bonds of any sewer district, drainage district, protection district, or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 939 by the following vote:

AYES—Senators Avey, Beban, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hare, Holohan, Hurd, Julliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Sanford, Strobridge, Tyrrell, Walker, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 939 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 948?"

On page 2, Section 1, lines 45 and 46, strike out the words "The surveyor shall receive a salary of eighteen hundred dollars per annum and office expenses.", and insert in lieu thereof the following: "In lieu of fees, as now provided by law, the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county; and in addition thereto, all necessary expenses and transportation on work performed in the field, and also such sums as may be necessary to pay for assistance necessarily required in office work."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 948 by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hewitt, Hurd, Lewis, Martinelli, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 948 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 972?"

Add a new section thereto to be numbered section two, and to read as follows: "As to subdivisions 5, 6, 7, 12, 13, 14, 15, and 16, this Act shall take effect immediately; as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated."

The roll was called and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 972 by the following vote:

AYES—None.

NOES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Hurd, Julliard, Lewis, Regan, Roseberry, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

The question being: "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1278?"

On page 6, Section 1, line 10, after the word "thousand," strike out the word "sixty-five," and insert 10, long hundred and following: "seventy-five."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 1278 by the following vote:

[illegible]

115

Senate Bill No. 1278 ordered to engrossment.

The question being, "Shall the Senate consent in the following Assembly Amendments to Senate Bill No. 1985?"

On page 1, Section 1, line 6, after the word "that," insert a comma.

Also, the price of S is one dollar, the price of A is $1/(1 + r)$.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1089 by the following vote:

[illegible]

11

The question being "Shall the Senate assent to the following Assembly amendment to Senate Bill No. 1005?"

On page 1, Section 3, line 10, insert the words "the words 'the words are all'"; and insert the line (insert the words "are all and all" after the word "all".

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 1065 by the following vote:

111-1

[illegible]

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1614?"

On page 2, line 20, of the printed bill, as amended by the Senate on March 10, 1911, between the second and third commas insert the following: "including fees allowed by the Government of the United States to all auditors performing or the accomplishment of duties."

Also, On pages 4 and 5, and 7, lines 9, 10, and 11, of the petitioned-for, strike out the following: "Noting that the Small case is entitled to result from the sum of any two or three elements out of the arbitrations, IAXS could not consent to any other estate."

Answer: On page 6, *Sally* is on line 2. The 9. of the printed text strike out the words

Also, on page 12, Section 2, line 1 strike out the word "section", and insert "from through the following":

Also, On page 12, column 17, line 3, and the words "two and one half", and on page 13, column 17, line 1, the word "three".

Also, On page 6, sentence 12, line 3 of the printed bill, as amended in the Senate, March 10, 1911, strike out the word "afford", and insert in lieu thereof the following: "save".

The roll was called and the Senate concurred in the above Assembly amendments to Senate Bill No. 1014 by the following vote:

AYES, SUMMITTS, AVER, BELL, BELL, BENTON, BRYANT, BURNETT, CAMPBELL,
CARPENTRER, CASSIDY, CHASE, FISKE, GARDNER, HARRIS, HARRIS, JAILLIARD, LEWIS, REGAN,
RUSH, SUMMITTS, SUMMITTS, THOMPSON, TYLER, WALKER, and WRIGHT—25.

1911

Senate Bill No. 1014 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all amendments thereto and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1159—An Act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1006?"

On page 2, line 17, of Section 1, after the word "sale", insert a comma.

Also: On page 7, line 7, of Section 7, strike out "th", and in lieu thereof insert the word "the".

Also: On page 10, line 38, of Section 13, strike out the word "consent", and insert in lieu thereof the word "consents".

Also: On page 13, line 89, of Section 15, after the word "Act", strike out the period and insert in lieu thereof a comma.

Also: On page 15, before line designated "10-24", being the first line of said page 15, before the word "If", insert the following: "Sec. 17."

Also: On page 19, line 8, of Section 22, after the word "Act", strike out the period, and in lieu thereof insert the following: "": provided, that no county treasurer shall be entitled to retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent."

Also: On page 19, line 7, of Section 23, strike out the following: "fees now allowed the treasurer as provided in section twenty-two of this Act", and insert in lieu thereof the following: "money collected under the provisions of this Act a reasonable fee to be allowed by the probate court having jurisdiction, said fee, together with the sum retained by the county treasurer, in no one case to exceed the per centum allowed in such case by section twenty-two of this Act."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1006 by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Estudillo, Finn, Gates, Hewitt, Holohan, Julliard, Larkins, Lewis, Martinelli, Roseberry, Rush, Stetson, Strobebridge, Thompson, Tyrrell, Wolfe, and Wright—22.

NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1006?"

In line 31, page 2, of the printed bill, strike out the words "five years", and insert in lieu thereof the words "one year".

Also: On page 2, strike out all of lines 37 and 38, down to and including the word "Act", and insert in lieu thereof the following: "the lien of such tax shall cease in any event at the end of five years after the date when it accrues."

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 1006 by the following vote:

AYES—None.

NOES—Senators Avey, Bell, Black, Boynton, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Hewitt, Hurd, Larkins, Lewis, Roseberry, Rush, Stetson, Strobebridge, Thompson, Tyrrell, Wolfe, and Wright—21.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of motion to reconsider the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California, by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States—was passed, the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Campbell moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 241 was passed, be made a special order for Saturday, March 25, 1911, at three o'clock and thirty minutes P. M.

Motion carried.

MESSAGES FROM ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for violation of this Act—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1063?"

On page 2, Section 3, line 3, strike out the word "furnish", and insert in lieu thereof the following: "cause all".

Also: On page 2, Section 3, line 7, strike out the period, and insert in lieu thereof a comma and the following: "before the same shall be served to another customer".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1063 by the following vote:

AYES: Senators Avey, Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hurd, Juilliard, Larkins, Lewis, Roseberry, Rush, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 1063 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

Also: Senate Bill No. 413—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds: to

provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder. To amend an Act entitled an Act to establish a tax on collateral inheritances, legacies and bequests, to provide for the collection, and to direct the disposition of its proceeds. Approved March 23, 1903, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

Senate Bills Nos. 412 and 413 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER)

The following resolution was introduced:

By Senator Juillard:

Resolved, That Senate Bills Nos. 412, 413, 428, and 429 present a case of urgency, as that case is stated in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills be read at 10 o'clock several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and passed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Ains, Bell, Black, Brewster, Bryant, Burgett, Caminetti, Campbell, Cassady, Clegg, Coffey, Curtis, Ewing, Foss, Goss, Hawitt, Hood, Juillard, Lewis, and Perkins. LEYES—Messrs. Marshall, Rogers, Roscherry, Rush, Stetson, Strobridge, Thompson, Ferrell, Wolfe, and Wright—26.

NOES—None.

CASE OF URGENCY

Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 412 passed by the following vote:

AYES—Senators Ains, Bell, Black, Brewster, Bryant, Burgett, Caminetti, Campbell, Cassady, Clegg, Coffey, Curtis, Ewing, Foss, Goss, Hawitt, Hood, Juillard, Lewis, Marshall, Rogers, Roscherry, Stetson, Thompson, Ferrell, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY

Senate Bill No. 413—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of

liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Senate Bill No. 1289—An Act to amend Section 1272 of the Penal Code of the State of California.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1289 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Cartwright, Cassidy, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Regan, Roseberry, Rush, Sanford, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Senate Bill No. 628—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 628 passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Thompson, Tyrrell, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Joint Resolution No. 26, the same was taken up for consideration.

SENATE JOINT RESOLUTION No. 26

Relative to a graduated system of taxation to be enacted by the Government of the United States.

WHEREAS, The concentration of wealth in the hands of the few prevents the equitable distribution of the benefits of industry and of labor among our people and has become a menace to free government by its corrupting influence on private and public life, by concentrating in the hands of a few the means of doing good, by direct and indirect bribery of public officials by largesses following the National Congress and the several State legislatures, and by thus inducing by controlling the legislative power to the exclusion of the courts, the enactment of unconstitutional principles of liberty and justice; and whereas, the Government is founded, and

WHEREAS, The best means of improving society is by removing and preventing its causes; and

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States be respectfully urged, that a graduated and equitable system of taxation, such that the payment of such taxes of Congress be required to provide a graduating system of taxation, from income and inheritance, and a system of graduated taxes, covering such transactions, donations, and transfers, such taxes to come in force in the year 1912, for the general purpose of preventing the concentration of wealth and of securing a fair and more equitable distribution of wealth, more equal taxes, especially by tax on wealth and preventing the monopoly of money and wealth in the whole people, be it enacted

That the President of the United States, the President of the Senate and the Speaker of the House of Representatives, respectively,

Senate Joint Resolution read

The question being on the adoption of the Joint resolution.

The roll was called, and Senate Joint Resolution No. 26 adopted on the following vote:

AYES, Senators A. B. Clark, Hanson, Edward Chandler, C. C. Cawley, Curtin, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Rosberry, Rush, Sanford, Shanahan, Strobridge, Thompson, Tyrrell, Welch, and W. W. 26.

NAYES, None.

Senate Joint Resolution No. 26 considered, engrossed and ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 28, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 28

A resolution proposing to the Senate of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto, to be known as section eight, and one clause of article eleven of the Constitution, relating to the consolidation of cities having other charters.

The Legislature of the State of California, at its thirty-ninth session, commencing on the second day of January, A. D. 1911, two-thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby proposes that a new section be added to said Constitution of the State of California, to be known as section eight, and to read as follows:

Section 8. Cities governed under general laws be consolidated with other cities into one municipal corporation, whether such other cities are governed under charter so framed, or are incorporated under general or special laws, and such consolidated municipal corporation shall be governed as a city with the name of the one of such cities having the greatest population, as determined as provided by general laws, and under the charter or laws governing such city having the greatest population. The provisions of this Constitution applicable to cities shall apply to such consolidated municipal corporation.

Senate constitutional amendment read

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Constitutional Amendment No. 28 considered engrossed, and ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20 for consideration, out of order.

SENATE CONCURRENT RESOLUTION NO. 20.

Relative to the consent of the Legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that Albert J. Wallace, John M. Eschleman, H. D. Loveland, Alex. Gordon, J. L. Avey, D. J. Belan, C. W. Bell, Chas. B. Bills, E. S. Birdsall, Marshall Black, A. E. Boynton, E. F. Bryant, Lester G. Burnett, A. Caminetti, A. E. Campbell, Geo. W. Cartwright, John J. Cassidy, J. B. Curtin, Charles P. Cutton, Miguel Estudillo, Thos. F. Finn, Lee C. Gates, George J. Hans, John P. Hare, Leslie R. Hewitt, James B. Holohan, H. M. Hurd, L. W. Juilliard, E. O. Larkins, John T. Lewis, E. B. Martinelli, D. P. Regan, Louis H. Roseberry, Benj. E. Rush, J. B. Sanford, T. W. H. Shanahan, John W. Stetson, Ed. K. Strobridge, Newton W. Thompson, Edward J. Tyrrell, Geo. S. Walker, Richard J. Welch, Edward I. Wolfe, and Leroy A. Wright may absent themselves from the State of California at such times as they may choose, or as necessity may require, during their term of office, for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together as to any one person shall not exceed in any one calendar year the total period of five months.

Senate Concurrent Resolution No. 20 read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Finn, Gates, Hans, Hare, Hewitt, Holohan, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Senate Concurrent Resolution No. 20 considered engrossed, and ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Senate Bill No. 888 for consideration out of order.

Senate Bill No. 888—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 refused passage by the following vote:

AYES—Senator Burnett—1.

NOES—Senators Belan, Bell, Bills, Black, Boynton, Bryant, Campbell, Cartwright, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Roseberry, Sanford, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—25.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Hare asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 14 for consideration, out of order.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

A resolution to amend of the people of the State of California an amendment to the Constitution of the State of California, beginning Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Received in the Senate and Assembly, respectively, That the Legislature of the State of California, at its regular session commencing on the second day of January, 1911, sent forth of its the following, which by joint action of the Senate and Assembly, that Section 3 of Article IV of the Constitution of said State be amended to read as follows:

The Assembly shall consist of thirty times the number of the members of the Senate, and the term of office shall be two years. After Amendment shall be passed by each Senate District, and the general election on the next Tuesday after the first Monday in November in the year of said term, the Senators shall be elected and returned, and every third year thereafter. In all counties of Assembly Districts, every qualified elector may vote on every county for an assembly as there are Assemblymen to be elected of each district, the same, or equal parts thereof, among the candidates, to be made by. And the candidates carrying the highest number of votes shall be declared elected.

Senate Constitutional Amendment No. 14 read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 14 refused adoption by the following vote:

AYES—Senators Paine, Crockett, Campbell, Cartwright, Cassidy, Curtis, Phil Hess, Rogers, Woods, and Woods—11.

NOES—Senators Ayle, Bell, Bishop, Brown, Bryant, Eschmeyer, Gates, Hewitt, Hiram, Hunt, Jackson, Jones, Marshall, Rosendorn, Seaton, Strickland, Thompson, Walker, and Walker—20.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Hewitt asked for, and was granted, unanimous consent to take up Senate Bill No. 1028 for consideration, out of order.

Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1028 passed by the following vote:

AYES—Senators Ayle, Bishop, Bell, Biss, Bissell, Black, Bryant, Bryner, Crockett, Crockett, Cartwright, Cassidy, Curtis, Eschmeyer, Phil Hess, Hewitt, Hunt, Jones, Marshall, Ross, Rosendorn, Ross, Seaton, Strickland, Thompson, and Woods—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER)

Senator Gates asked for, and was granted, unanimous consent to take up Senate Bill No. 882 for consideration, out of order.

Senate Bill No. 882—An Act to create the office of Public Defender, provide for his election, define his duties, and fix his compensation.

On motion of Senator Gates, Senate Bill No. 882 was passed, to be placed at the foot of the file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 42, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 42.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7 of Article XI thereof, relating to consolidated city and county governments.

The Legislature of the State of California, at its regular session commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State that Section 7 of Article XI of the Constitution of the State of California be amended so as to read as follows:

The Legislature may, by general laws, provide for the annexation to and consolidation with any existing city and county, containing a population of at least two hundred thousand, as determined by the last preceding United States census, of contiguous territory, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situated in different counties, to be under the government of such city and county. The Legislature may also, by general laws, provide for the consolidation into one municipal government, with one set of officers, and the combined powers of a city and of a county, and with a charter framed and adopted as hereinafter provided, of city and county governments within the territory included in any city or cities, or within such territory and other territory unincorporated, whether the territory to be included in such consolidated city and county be situated wholly in one county, or parts thereof be situated in different counties. The territory to be so included shall be contiguous, and shall contain a population of at least two hundred thousand, as determined by the last preceding United States census. No city shall be divided by any such annexation or consolidation, nor shall any part of the territory of a county be annexed to, or be consolidated with, or be included in, any city and county in such manner that the remaining territory of such county shall completely surround such city and county, or shall not be contiguous, or shall contain a population of less than eight thousand, but this shall not be construed so as to prevent the annexation to, consolidation with, or inclusion in, any such city and county of an entire county. The Legislature, in providing for the formation of a new city and county by consolidation, shall provide for the election or appointment of a board of freeholders, with qualifications as prescribed by the Legislature, to prepare and propose a charter for the government of such city and county, and shall also provide for the submission thereof to the qualified electors within the territory to be included therein, for ratification or rejection. No city or unincorporated territory shall be included in any proposed consolidated city and county, or be consolidated with any existing city and county, without the assent of a majority of the qualified electors of such city or territory and of the whole of each county containing such city or any part of such territory, voting on the proposition, at an election at which such proposition shall be submitted; nor, in the case of a proposed consolidation of city and county governments with a charter therefor, as above provided, unless a majority of the qualified electors of each city, and also of the unincorporated territory, if any, to be included therein, voting thereon at such election, shall also ratify such proposed charter, which shall be submitted at such election. If such proposed consolidation of city and county governments be approved and the proposed charter therefor be ratified, as above provided, such proposed charter shall thereafter be submitted to the Legislature for approval or rejection as a whole, without power of alteration or amendment, and the provisions of section eight of this article respecting the manner and effect of the approval, by the Legislature, of charters therein mentioned, shall, so far as applicable, apply to charters prepared under the authority of this section. Any freeholders' charter framed under the authority of this Constitution for the government of a city and county may provide for the establishment and dissolution of a borough system of government, within any part of the territory included, or to be included, in such city and county, with such special municipal powers as such charter may provide. Every charter framed under this section shall provide for the payment of all debts and liabilities of each city consolidated in the city and county to be governed thereby, outstanding at the date of such consolidation, and prescribe the territory in any such city and county within which taxes shall be levied and collected for the payment thereof. No property in any territory within the limits of any city and county enlarged by consolidation, under the provisions of this section, shall ever be taxed for the payment of any municipal indebtedness or liability, outstanding at the date of such consolidation and for the payment of which the property in such territory was not, prior to such consolidation, subject to taxation, unless, at the election at which such consolidation was authorized, there shall have been submitted to the qualified electors of such territory the proposition that such

the legal successor of the former county, so fitted and equipped to all its records and to all its property, or the value of said property, and the Legislature shall make provision therefor."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and amendment lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Cartwright, Cutten, Gates, Roseberry, Stetson, Strobridge, Thompson, and Wright—11.

NOES—Senators Black, Burnett, Cassidy, Curtin, Finn, Hewitt, Holohan, Hurd, Martinelli, Regan, Welch, and Wolfe—12.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT No. 12 (RESUMED).

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 12 refused adoption by the following vote:

AYES—Senators Black, Burnett, Cassidy, Hare, Hewitt, Hurd, Juilliard, Regan, Shanahan, Welch, and Wolfe—11.

NOES—Senators Avey, Behan, Bell, Bills, Birdsall, Boynton, Campbell, Cutten, Finn, Gates, Larkins, Lewis, Martinelli, Sanford, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wright—20.

SENATOR BILLS IN THE CHAIR.

At eleven o'clock and forty minutes P. M., Senator Bills, of the Seventh District, in the chair.

MOTION TO RECONSIDER LOST.

In compliance with his notice, given on previous day, Senator Boynton moved that the vote whereby Senate Bill No. 1251—An Act to amend an Act entitled "An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor," approved March 3, 1909—was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 1251 was refused passage, lost by the following vote:

AYES—Senators Birdsall, Bryant, Burnett, Campbell, Cassidy, Cutten, Estudillo, Gates, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, and Tyrrell—16.

NOES—Senators Avey, Bell, Bills, Black, Boynton, Curtin, Finn, Hare, Lewis, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—16.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Burnett:

WHEREAS, The money appropriated from the Contingent Fund of the Senate for the purchase of stamps for the Mailing Clerk of the Senate is exhausted; therefore be it

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of fifty dollars for expressage and postage, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

BURNETT, Chairman.

Sacramento, Cal., March 25, 1911.

Resolution read.

The question being on the adoption of the resolution.

The bill was called, and the resolution adopted to the following vote:

AYES: Senators Kent, Bell, Ellis, Fisher, Evans, Harrison, Raymond, Campbell, Cotten, Hamilton, Huber, Hays, Jones, Humphreys, Hurd, Lathrop, Lewis, Lusk, Macomber, Quinn, Ferryman, Jones, Randall, Stewart, Stillman, Thompson, Tyrrell, Walker, Walsh, Wolfe, and Woodruff—22.
 NOES: None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PETITIONAL COMMISSIONERS.

MR. FERRIS: A bill, Committee on Municipal Corporations, to which was referred Assembly Bill No. 1496, An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, deprate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and recommending that the same be passed.

HURD, Chairman.

Assembly Bill No. 1496 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to take up Assembly Bill No. 1496 for consideration, out of order.

Assembly Bill No. 1496.—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, deprate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise

language, and printed or published as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed." approved March 23, 1907.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES — (OUT OF ORDER).

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1574—An Act to amend Section 1274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HEWITT, Chairman.

Assembly Bill No. 1574 ordered on file for second reading.

ON MINING AND OIL INDUSTRIES.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Mining and Oil Industries, to whom was referred Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

BIRDSALL, Chairman.

Assembly Bill No. 1337 ordered re-referred to Committee on Judiciary.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 1455—An Act to amend sections one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add three new sections to said Act to be numbered five, six and seven—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Finance.

MARTINELLI, Chairman.

Assembly Bill No. 1455 ordered re-referred to Committee on Finance.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Committee Substitute for Senate Bill No. 587—An Act providing for the calling

of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State of the propositions to amend the Constitution of the State of California proposed by the Legislature at its thirtieth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the same and thereon.

Also Committee Substitute for Senate Bill No. 9—An Act providing for passing the names of candidates for United States Senator in Convention upon the official ballot at general elections for United States Senators and fixing rules on the vote thereon, providing the method of tallying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

Also Senate Bill No. 100—An Act to amend Section 341 of the Political Code, relating to the duties of the Secretary of State.

And report that the same have been recently introduced.

CASSIDY, Chairman.

Committee Substitutes for Senate Bills Nos. 587 and 9, and Senate Bill No. 539 ordered on file for third reading.

REPORT OF STANDING COMMITTEE—OUT OF ORDER

The following report of standing committee was received and read:

ON FISH AND GAME

SENATE CHAMBER SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1470—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 0220 and 0221—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 1372 ordered on file for second reading.

QUESTION OF PERSONAL PRIVILEGE

Senator Hays arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: On Tuesday, March 21st, I am recorded as voting "No" on the amendment offered by Senator Wright to Assembly Bill No. 1185, which in reality I voted "Aye" on (one of the amendments), and I do not desire to be recorded incorrectly in this matter. In justice to myself, I ask that this statement be recorded in the Journal.

CONSIDERATION OF BILL—OUT OF ORDER

Senator Cammatt asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 9 for consideration, out of order.

Committee Substitute for Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 9 passed by the following vote:

AYES—Senators Ayle, Bell, Biss, Bonisal, Black, Boynton, Bryant, Burnett, Cameron, Campbell, Cameron, Cassidy, Carson, Estrella, Gates, Hewitt, Holman, Juddard, Jackson, Macomber, Morgan, Roseberry, Shanahan, Stetson, Thompson, Walker, Welch, and Wells, 28.

NOES—Senator Wright, 1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 587 for consideration, out of order.

Committee Substitute for Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted at the thirty-ninth session of the Legislature of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 587 passed by the following vote:

AYES—Senators Avey, Bohan, Bels, Bels, Black, Boynton, Bryant, Burnett, Caminetti, Estudillo, Finn, Gates, Hewitt, Hurd, Juilliard, Lackus, Martinelli, Regan, Ross, Shattuck, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—26.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Finn asked for, and was granted, unanimous consent to take up Senate Bill No. 539 for consideration, out of order.

Senate Bill No. 539—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Avey, Bohan, Bels, Bels, Black, Boynton, Burnett, Caminetti, Cartwright, Cassady, Cotten, Estudillo, Finn, Gates, Hane, Hewitt, Hurd, Juilliard, Martinelli, Regan, Roschert, Rush, Shattuck, Stetson, Strobridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 446—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the district courts of appeal.

Also: Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

Also: Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same

reference to the Senate before passing, and in that act providing Section 1700 of the Penal Code of the State of California, relating to the State Bank Building Fund.

Also, Senate Bill No. 100—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 101—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 102—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 103—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 104—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 105—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 106—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 107—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 108—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 109—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 110—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 111—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

Also, Senate Bill No. 112—An Act to amend the Constitution of the State of California for the purpose of the Union of the State of the Union, California State Bank Building Fund of the State of California.

CASSIDY, Chairman.

SENATOR THOMPSON IN THE CHAIR

At twelve o'clock and five minutes P. M., Senator Thompson, of the Thirty-fifth District, is the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Wolff, the second reading of Assembly bills was taken up, out of order.

Assembly Bill No. 31—An Act to amend Section 1473 of the Civil Code of the State of California, relating to contracts in restraint of trade.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, paragraph, after the word "railroad", insert the following: "street railroad company."

Amendment adopted.
Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social, and benevolent corporations.

During second reading of the bill, the following amendments were submitted by committee:

Strike out of the bill all after the words "An Act", and insert in lieu thereof the following: "to amend Sections 593, 598, and 604 of the Civil Code, to repeal Sec-

tions 594 and 603 thereof, and to enact Section 603, all relating to religious, social and benevolent corporations.”.

Amendment adopted.

Also:

On page 2, Section 4, strike out lines 1 and 2, and in lieu thereof insert the following:

“Sec. 4. It is hereby declared that Section 603 of the Civil Code as heretofore existing is repealed, and a new Section 603 is hereby added to the Civil Code, to read as follows:”.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Senator Bell, the acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER)—RESUMED.

On motion of Senator Bell, the second-reading file of Assembly bills, making an appropriation and pertaining to county government, were taken up, out of order.

Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422½, and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for the purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on a previous day, Senator Bell moved that the vote whereby Assembly Bill No. 8—An Act to provide

for the appointment of a liceshop inspector and deputies, to provide for their compensation and to define their powers and duties relating to the inspection of liceshops and bakeries, and for the issuance of licenses for such business, and for the sanitary conditions of liceshops and bakeries—was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider Assembly Bill No. 8 lost by the following vote:

AYES—Senators Avery, Black, Bryant, Cassidy, Carrin, Estrada, Finn, and Regan—8.

NOES—Senators Bell, Bills, Boynton, Burnett, Cartwright, Cutton, Gates, Hewitt, Larkins, Lewis, Martinelli, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—18.

4 MEMBERS' SPECIAL AGENCY FILE

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1122 finally passed by the following vote:

AYES—Senators Avery, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Carrin, Estrada, Finn, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Regan, Rush, Strobridge, Thompson, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 40566, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1545 finally passed by the following vote:

AYES—Senators Avery, Regan, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cartwright, Cassidy, Carrin, Estrada, Gates, Hewitt, Holohan, Hurd, Larkins, Lewis, Martinelli, Regan, Rush, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CARTWRIGHT IN THE CHAIR.

At three o'clock P. M., Senator Cartwright, of the Twenty-sixth District, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 714 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Escudé, Finn, Gates, Hare, Hewitt, Holahan, Lewis, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1179—An Act to amend Section 2965 of the Civil Code of the State of California relating to limitation of rights of officers to levy on mortgaged personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1179 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Burnett, Cartwright, Cassidy, Curtin, Escudé, Finn, Gates, Hewitt, Holahan, Lewis, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—24.

NOES—Senator Larkins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne River.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Escudé, Finn, Gates, Hewitt, Holahan, Lewis, Martinelli, Regan, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Shanahan, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendments Nos. 21, 40, 45, 47, 51, 52, 53, 55, 56, 57, 58, 59, 60, 69, 75, 76, 77, 78, 79 and 81 to Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and

concluding that the presence of private equity and other institutions on the board of the firm plays an important role in determining the firm's financial performance. The authors also suggest that the presence of private equity and other institutions on the board of the firm is positively related to the firm's financial performance.

E. H. MALLORY, Secretary of the Association.
J. DUNCAN S. WATKINS, Assistant Clerk.

The acting President of the Senate announced that he had appointed Senators Black, Chace, and Thompson as a Committee on Conference on Senate Bill No. 13, in and with a like committee from the Assembly.

AUGUSTINE OF CARTHAGE. Sermones de civitate Dei. Migne PL 40, 1013

[illegible]

L. B. MALLORY, Chief Clerk of the Assembly.
The House of Representatives, Albany, N. Y.

Submitted: 2 May 2007; accepted: 10 November 2007; first published online: 12 November 2007

The Acting President of the Senate announced that he had appointed Senators Stevens, Wright, and Hewitt as a Committee on Conference on Senate Bill No. 422, to get with a like committee from the Assembly.

$$M(\mathcal{C}_1, \mathcal{C}_2) = \{M(\mathcal{C}_1, \mathcal{C}_2) \mid \mathcal{C}_1 \text{ and } \mathcal{C}_2 \text{ are } M(\mathcal{C}_1, \mathcal{C}_2) \text{ and } M(\mathcal{C}_1, \mathcal{C}_2) = \{M(\mathcal{C}_1, \mathcal{C}_2)\}\}$$

Accepted for publication, September 25, 1911.

Mr. P. J. O'Connell, of the House, introduced a bill, which the Assembly passed, to amend Section 4257 of the Political Code, relating to salaries and fees of members of the Legislature, and to amend the Constitution of the State in relation to the same. The bill was passed by a vote of 21 yeas and 12 nays. The bill was passed by a vote of 21 yeas and 12 nays.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

TRANSMISSION OF VIBRATIONS ON CONTAINERS

The acting President of the Senate announced that he had appointed Nathan S. Sanders, Frederick Burratt as a Committee on Conference on Senate Bill No. 972 to meet with a like committee from the Assembly.

MESSAGE FROM THE ASSEMBLY—OUT OF ORDER—RESUMED.

ASSAYING CHAMBER. SACRAMENTO, March 25, 1911.

Mr. President: I am pleased to bring your attention to body that the Assembly on the Education of Assembly Bill No. 144. An Act to add to the Civil Code of the State of California new sections to be numbered 224a, providing for the adoption of dependent or delinquent children from juveniles in the juvenile court wherein a child is found to be dependent or delinquent.

Act to amend Sections 1142 and 1204, and to
 amend Code, relating to elections.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly 300's Nos. 144 and 150.5 read first time.

Assembly Bill No. 144 ordered referred to Committee on Public

Assembly Bill No. 1565 ordered referred to Committee on Elections and Election Laws.

MEMBERS' SPECIAL URGENCY FILE—RESUMED.

Assembly Bill No. 790—An Act to amend Section 3051 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Bryant, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hewitt, Holohan, Martinelli, Regan, Rush, Strobbridge, Thompson, Walker, Welch, Wolfe, and Wright—25.
 NOES—Senators Burnett and Larkins—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Governor was taken up and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
 SACRAMENTO, March 25, 1911.

To the Senate of the State of California:

I return to you, without my approval, Senate Bill No. 716, entitled: "An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers."

My objections to this Act are based, first, upon its invalidity. I have submitted the bill to the Attorney General with the request for an opinion in respect to it and I am in receipt of Attorney General Webb's written opinion holding the Act to be invalid and unconstitutional. A copy of that opinion, I annex hereto and make a part of this veto message.

As a matter of general policy, I am opposed to the creation of commissions, unless the absolute necessity for them is shown to exist. In the present instance, I do not think that necessity is shown.

For the reasons given, I have vetoed the bill.

Respectfully submitted,

HIRAM W. JOHNSON,
 Governor of California.

[Copy]

March 25, 1911.

Hon. Hiram W. Johnson, Governor of California, Sacramento, Cal.:

DEAR SIR: You have submitted to this office Senate Bill No. 716 which recently met the approval of both houses of the Legislature and which is entitled "An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers", and you have asked for the opinion of this office as to the constitutionality of such Act. It is the view of this office that the Act can not be upheld.

Section 21 of the Act provides that there shall be a board of plumbing examiners in municipal corporations of the first, first and one half, second and third classes. Under the classification Act of 1901 these classes of municipalities have populations as follows: First class, more than two hundred thousand; first and one half class, more than one hundred thousand and not exceeding two hundred thousand; second class, more than thirty thousand and not exceeding one hundred thousand; third class, more than fifteen thousand and not exceeding thirty thousand.

Thus is a board of plumbing examiners made mandatory in every municipal corporation having a population of fifteen thousand or more. If this provision of Section 21 standing alone could be upheld, it must be so upheld because having fifteen thousand or more in population is a condition which reasonably suggests the necessity and propriety of providing a board of plumbing examiners for such cities and for no others. In other words, these cities must constitute a class and that classification must not be an arbitrary one, made for the mere purpose of classification, but must in fact be founded upon some "natural, intrinsic or constitutional distinction which will suggest a reason which might rationally be held to justify" a board of plumbing examiners for this class only.

Pasadena vs. Stinson, 91 Cal. 271.

Deane vs. Superior Court, 140 Cal. 478.

It is difficult to perceive why all cities having a population of more than fifteen

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it from the state courts to the courts of the United States—was passed, the same was taken up for consideration.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on a previous day, Senator Campbell moved that the vote whereby Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the adoption of the motion to reconsider.

The roll was called, and motion to reconsider the vote whereby Senate Bill No. 241 was passed, lost by the following vote:

AYES—Senators Bills, Bryant, Cannetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Holohan, Juthard, Larkins, Shanahan, Tyrrell, and Wolfe—14.

NOES—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Burnett, Cassidy, Gates, Hare, Lewis, Martinelli, Regan, Roseberry, Rush, Strobbridge, Thompson, Walker, Welch, and Wright—20.

Assembly Bill No. 241 ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1508 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Bryant, Cartwright, Curtin, Estudillo, Holohan, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobbridge, Thompson, Tyrrell, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1367 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Cassidy, Curtin,

Franklin, Hays, Henson, Howell, Latham, Lewis, Mcintosh, Myers, Ransburg, Long, Macpherson, Thompson, French, Walker, Wells, Wells, and Wright—25.
 Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361.—An Act to amend an Act entitled "An Act to amend section thirteen hundred and fifty-nine of the Political Code relating to the apportionment of school funds."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

Ayes—Anderson, Ayle, Baker, Ball, Bille, Bishop, Bishop, Boynton, Cartwright, Casady, Carson, Edwards, Green, Hendon, Hunt, Johnson, Lathrop, Lathrop, Lewis, Macpherson, Myers, Ransburg, Ross, Sanford, Sherman, Strickbridge, Thompson, Tupper, Walker, Wells, and Wright—26.
 Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1034.—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty-three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 finally passed by the following vote:

Ayes—Sanborn, Ayle, Baker, Ball, Bille, Bishop, Bishop, Boynton, Casady, Cartwright, Carson, Edwards, Green, Hendon, Hunt, Johnson, Lathrop, Lewis, Macpherson, Myers, Ransburg, Ross, Sanford, Sherman, Strickbridge, Thompson, Walker, Wells, and Wright—26.
 Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—OUT OF ORDER.

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee in Conference, to whom was referred Senate Bill No. 872—An Act to amend Section 1257 of the Political Code, relating to salaries and fees of members of the county eighth class—have had the same under consideration, and respectfully suggest that we are unable to agree, and request your honorable body to adjourn to reconvene on Free Conference.

SHANAHAN.

FINN.

BURNETT.

Committee.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President pro tem of the Senate announced that he had appointed Senators Shanahan, Finn, and Burnett as a Committee on Free Con-

ference on Senate Bill No. 972, to act with a like committee from the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640, and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 368 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juhlhard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—30.

NOTES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1469, the same was taken up for consideration.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1469 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Birdsall, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Hare, Holohan, Juhlhard, Larkins, Lewis, Martinelli, Regan, Sanford, Shanahan, Strobridge, Tyrrell, Walker, Welch, and Wolfe—30.

NOTES—Senators Roseberry, Stetson, Thompson, and Wright—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WOLFE IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Senator Wolfe, of the Twenty-first District, in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation—beg leave to report that

we have met a like committee from the Assembly, consisting of Assemblymen Cogswell, Hall, and Sutherland, and we are going to agree to act jointly in regard to and Senate Bill No. 11, and we respectfully recommend the appointment of a Committee on Free Conference to consider said Senate Bill No. 11.

BLACK,
CURTIS,
THOMPSON,

Committee from the Senate.

COGSWELL,
HALL,
SUTHERLAND,

Committee from the Assembly.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The acting President of the Senate announced that he had appointed Senators Curtis, Black, and Thompson as a Committee on Free Conference on Senate Bill No. 11, to act with a like committee from the Assembly.

REPORT OF STANDING COMMITTEE.—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1908, have had the same under consideration, and respectfully recommend the same with amendments, and recommend that in its passage be amended.

REGAN, Chairman.

Assembly Bill No. 1001 ordered on file for second reading.

CONSIDERATION OF BILL.—(OUT OF ORDER.)

Senator Wilson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1001 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1908.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, after the title, insert the following: "Section 1".

Also, strike out of line 3, Section 1, page 1, the words "said Act", and insert in their stead the following: "An Act entitled An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1908.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SENATOR BELL IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Senator Bell, of the Thirty-sixth District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cassidy:

WHEREAS, The Panama-Pacific International Exposition is to be held in San Francisco in 1915; and

WHEREAS, The committee on site appointed by the board of directors of said exposition company is to report a selection from the various sites proposed for their consideration; and

WHEREAS, The California International Exposition (known as the Midwinter Fair) was held in Golden Gate Park, which site proved to be a most excellent one for such purposes; and

WHEREAS, The people of the State of California have subscribed the sum of five million dollars in aid of said Panama-Pacific International Exposition, by the adoption of Senate Constitutional Amendment No. 52; and

WHEREAS, The people of the State of California authorized said Panama-Pacific International Exposition Company to use and occupy that portion of Golden Gate Park, westerly from Twentieth avenue, as extended, for said exposition purposes, and placing such portion of said park under the control of said corporation, for such time as shall be necessary for such exposition purposes, and to use and occupy for such exposition purposes any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco, and not then in actual use, and to open, close and occupy streets in said city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, by the adoption of Assembly Constitutional Amendment No. 33; therefore, be it

Resolved by the Senate of the State of California, That we recommend to the committee on site of the Panama-Pacific International Exposition Company and to the board of directors of said exposition company the above named location, to wit: That portion of Golden Gate Park westerly from Twentieth avenue, as extended, as a most suitable site for holding said exposition, and we respectfully urge the selection of said site for said exposition purposes.

Resolution read.

MOTION.

Senator Welch moved that the above resolution be referred to the San Francisco Delegation.

Motion carried.

Resolution ordered referred to the San Francisco Delegation.

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At five o'clock and five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly Amendment No. 3 to Senate Bill No. 1005. An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

L. B. MALLORY, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 1005 ordered to enrollment.

profit in this State, except to peace officers, and the acceptance of any such pass or ticket by a member of the Legislature or any public officer, other than Railroad Commissioner or peace officers shall work a forfeiture of his office.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Behan, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Estudillo, Finn, Gates, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Stetson, Tyrrell, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Assembly Constitutional Amendment No. 28 ordered transmitted to the Assembly.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as Section 593*b*, and relating to party telephone lines and wires.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stetson moved a call of the Senate.

Motion carried.

Time, five o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Burnett, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Wolfe, and Wright—30.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and thirty minutes P. M., Senators Larkins and Caminetti were brought to the bar of the Senate, and, on motion of Senator Stetson, they were excused for absence from the Senate Chamber.

At five o'clock and thirty-one minutes P. M., Senator Birdsall was brought to the bar of the Senate, and, on motion of Senator Stetson, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and thirty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stetson.

The roll of absentees was called, and Assembly Bill No. 389 was refused passage by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Gates, Hewitt, Holohan, Hurd, Roseberry, Rush, Shanahan, Stetson, and Tyrrell—14.

NOES—Senators Avey, Behan, Bills, Black, Bryant, Burnett, Cassidy, Curtin, Finn, Juilliard, Larkins, Lewis, Martinelli, Regan, Sanford, Walker, Wolfe, and Wright—18.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED)

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California, and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property, and to create county boards of forestry for such purposes, and to prescribe the duties and powers of such boards, and to authorize such boards to appoint county foresters and to prescribe the duties and fix the compensation of county foresters, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 18, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1107 finally passed by the following vote:

Ayes—Stanford, Amy, Bente, B. O. Russell, Black, Brewster, Caramenti, Campbell, Carver, Cline, Cottle, Davis, H. Kent, Hensley, Jettard, Larkins, Lewis, McManis, Rosewater, Ross, Sanford, Tamm, Walker, and Wolfe—24.
Noes—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 803—An Act entitled an Act to amend Section 94 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 709—An Act to amend Sections 1, 3, 5, and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905.

During second reading of the bill, the following amendments were submitted by committee:

On page 4, Section 2, line 61, strike out the figure "7", and insert in lieu thereof the following: "6".

Amendment adopted.

Also:

On page 4, Section 2, lines 54 and 60, strike out all of subdivision 6.

Amendment adopted.

Also:

On page 4, Section 2, lines 50 to 51, strike out the words "while under the influence of any intoxicating agent,"

Amendment adopted.

Also:

On page 4, Section 2, line 50, strike out the word "off", and insert in lieu thereof the following: "in".

Amendment adopted.

Also:

On page 4, Section 2, line 44, strike out the word "badly".

Amendment adopted.

Also:

On page 6, Section 3, lines 56 to 67, strike out the whole of subdivision 6.

Amendment adopted.

Also:

On page 6, Section 4, line 7, strike out the word "deemed".

Amendment adopted.

Also:

On page 7, Section 6, line 15, strike out the word "thirty", and insert in lieu thereof the following: "five".

Amendment adopted.

Also:

On page 7, Section 4, line 17, strike out the word "provided", and also all of lines 18, 19, 19a, 20, 21, 22, 23, 24, and 25.

Amendment adopted.

Also:

On page 7, Section 4, line 17, strike out the semicolon (;), and insert in lieu thereof a period (.).

Amendment adopted.

Also:

On page 7, Section 4, line 14, after the word "third", insert the following: "or subsequent".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653*z* thereof, relating to the terms of office of directors in non-profit coöperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1534 finally passed by the following vote:

AYES—Senators Avey, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Cassidy, Estradillo, Finn, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Rush, Strobbridge, Tyrell, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1445 finally passed by the following vote:

AYES: Senators Arey, Bell, Dymally, Enoch, Ferguson, Bryant, Connelley, Cawley, Curren, Gentry, Goodrich, Gurnea, Howell, Huddell, Hunt, J. J. Jones, Lewis, Reed, Stanford, Stanford, Stockbridge, Turrell, Watkins, and Wright—24.

NOES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:
ON SENATE RESOLUTIONS.

SENATE CHAIRMAN, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee, on Federal Relations, to whom was referred Assembly Joint Resolution No. 19, relative to a proposed amendment to the Constitution of the United States, governing procedure and discussion, have had the same upon consideration, and respectfully report the same back with amendments, and respectfully request the same be read and transmitted to the Assembly.

WRIGHT, Chairman.

Assembly Joint Resolution No. 19 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Birdsall asked for, and was granted, unanimous consent to take up Assembly Bill No. 1451 for consideration, out of order. For the purpose of amendment.

Assembly Bill No. 1451: An Act to amend Section 14266 of the Civil Code, relating to fees of county recorders.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Bell, as a special committee of one, to amend as follows:

On page 1, of the bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"A new section is hereby added to the Penal Code of the State of California, to be numbered 14266, and to read as follows:

Motion carried.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

SENATE CHAIRMAN, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1451, would respectfully request the same be read back, amended as per the amendments.

BELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAIRMAN, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee, on Finance, to whom was referred Assembly Bill No. 1452, an Act to amend the Constitution of the State of California, relating to the sale of land and water, respectfully report the same back, amended as per the amendments.

Assembly Bill No. 1452: An Act to appropriate the sum of eight thousand

and ninety-one dollars for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Assembly Bills Nos. 1586 and 876 ordered on file for second reading.

RECESS.

At five o'clock and forty-five minutes P. M., on motion of Senator Bell, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1331, the same was taken up for consideration.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence, and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Gates moved to refer to Senator Wright, as a special committee of one, to amend as follows:

On page 3, Section 12, line 11, after the word "canner", insert a comma.

Also: On page 3, Section 12, line 12, strike out the word "or", at the beginning of the line.

Also: On page 3, Section 12, line 12, after the word "packer", insert the words "or distributor".

Also: On page 4, Section 12, line 15, strike out the period after the word "label", and insert a comma, and also add the following: "provided also that the responsibility of the distributor whose name appears thereon shall be the same as that of the manufacturer, canner, or packer."

Also: On page 3, Section 12, line 12, after the word "foods", insert the words "except dairy products".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1331, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Committee.

Report read.

The question being on the adoption of the report.

The roll was called, and the report of the special committee of one.

and amendments to Assembly Bill No. 1331, refused adoption by the following vote:

AYES—Senators Bill, Benton, Cassin, Estrella, Gates, Howell, Martineau, Reed, Seaton, Thompson, and Wright—11.

NOES—Senators Ames, Brown, Black, Brown, Burnett, Cartwright, Finn, Haro, Hunt, Lillard, Lusk, Lyons, Rogers, Seaton, Stetson, Stralder, Tyrrell, Walker, Welch, and Wilson—20.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 1331 finally passed by the following vote:

AYES—Senators Ames, Edgar, Bill, Black, Brown, Cassin, Cartwright, Cassin, Cassin, Farnham, Finn, Haro, Howell, Hunt, Lillard, Lyons, Lyons, Martineau, Reed, Seaton, Stetson, Thompson, Seaton, Tyrrell, Walker, Welch, and Wilson—21.

NOES—Senators Bill, Benton, Gates, Seaton, and Wright—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER

Senator Bills gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1331 was this day finally passed.

MOTION.

Senator Wolfe moved that the motion to reconsider be made a special order for Sunday, March 26, 1911, immediately after the reading of the Journal.

POINT OF ORDER.

Senator Stetson raised the point of order: "That the motion to reconsider had not been made, but only notice of motion to reconsider given."

REPLY ON POINT OF ORDER.

The President ruled the point of order well taken.

PETITIONS.

Senator Welch presented the following petition, which was ordered printed in the Journal:

For the State Legislature:

We, the undersigned consumers of grocery and food products, are very much in favor of having the net weight of the contents specified on all packages, cans, containers, etc. We are also greatly in favor of having the name of the manufacturer and the location where packed printed upon each label, in order that we may know where the goods were from and who packed them.

We ask you to do everything in your power to assist in passing Hamilton's Assembly Bill No. 1331 referred to in above, during this session, as, we understand, some wrong interests are opposing this bill.

JOHN QUINN, and others.

Also:

Senator Wolfe presented the following petition, which was ordered printed in the Journal:

To the State Legislature:

We, the undersigned consumers of grocery and food products, are very much in favor of having the net weight of the contents specified on all packages, cans, containers, etc. We are also greatly in favor of having the name of the manufacturer

and the location where packed printed upon each label, in order that we may know where the goods came from and who packed them.

We ask you to do everything in your power to assist in passing Hamilton's Assembly Bill No. 1331, relating to the above, during this session, as, we understand, some jobbing interests are opposing this bill.

J. A. BUCHANAN, and others.

Also:

Senator Shanahan presented the following petition, which was ordered printed in the Journal:

To the State Legislature:

We, the undersigned, consumers of grocery and food products, are very much in favor of having the net weight of the contents specified on all packages, cans, containers, etc. We are also greatly in favor of having the name of the manufacturer and the location where packed printed upon each label, in order that we may know where the goods came from and who packed them.

We ask you to do everything in your power to assist in passing Hamilton's Assembly Bill No. 1331, relating to the above, during this session, as, we understand, some jobbing interests are opposing this bill.

O. STEVENSON, of Redding, and others.

Also:

Senator Cassidy presented the following petition, which was ordered printed in the Journal:

To the State Legislature:

We, the undersigned, consumers of grocery and food products, are very much in favor of having the net weight of the contents specified on all packages, cans, containers, etc. We are also greatly in favor of having the name of the manufacturer and the location where packed printed upon each label, in order that we may know where the goods came from and who packed them.

We ask you to do everything in your power to assist in passing Hamilton's Assembly Bill No. 1331, relating to the above, during this session, as, we understand, some jobbing interests are opposing this bill.

H. HELLBERG, and others.

Also:

The following petition was presented, and ordered printed in the Journal:

To the Senate of the State of California:

WHEREAS, The thirty-ninth session of the California Legislature, the most remarkable in the history of this State, from the standpoint of the laboring people, is now drawing to a close; and

WHEREAS, This administration has demonstrated by the laws that they have enacted that they are true representatives of the people and have devoted their entire time to the interests and welfare of humanity, while previous administrations, in their efforts to do the bidding of corporations, have forgotten their pledges to the people therefore, be it

Resolved by the Boarding Trades Council of Santa Clara County, representing its twenty-eight affiliated unions, on regular session assembled, this twentieth day of March, 1911, That we commend Governor Hiram Johnson, the Senate and Assembly, for their great accomplishments, and congratulate the people of the State for electing representatives who have fulfilled their promises and have shown the world that California is no longer a corporation ridden, but a people.

Resolved, That a copy of these resolutions be given to the press and a copy forwarded to Governor Johnson, the California Senate, and Assembly.

CONSIDERATION OF BILL "OUT OF ORDER".

Senator Sanford asked for, and was granted, unanimous consent to take up Assembly Bill No. 1177 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1177. An Act to provide for the division of municipalities into sewer districts, and for the acquisition, construction and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds.

Read third time.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 28 for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 28.

Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring. That the thirty-ninth session of the Legislature of the State of California adjourn *sine die* at twelve o'clock, midnight, Monday, March 27th, 1911.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 28 adopted by the following vote:

AYES—Senators Avey, Bell, Boynton, Bryant, Burnett, Cartwright, Cassidy, Catten, Gates, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Assembly Concurrent Resolution No. 28 ordered transmitted to the Assembly.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Avey asked for, and was granted, unanimous consent to take up Assembly Bill No. 870 for consideration, out of order.

Assembly Bill No. 870.—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 870 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Cartwright, Catten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Martinelli, Sanford, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class, report that we have met a like committee of the Assembly, consisting of Assemblymen Tibbitts, Slater and Stevenot, and we report that the Free Conference Committee agreed, and recommend that the Assembly amendment be concurred in, and that Senate Bill No. 972 be further amended by adding a new subdivision thereto, to be numbered 19, and to read as follows:

"19. It is expressly provided that in counties of this class where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred ninety-seven, or shall hereafter be increased, there must

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:
By Senator Boynton.

Resolved, That the following named persons be stricken from the list of attachés, and their names be stricken from the pay roll of the Senate:

M. E. Doan	Assistant Committee Clerk
J. Harkins	Gatekeeper
James Miller	Porter
Frank McNsker	Committee Clerk
A. McDevitt	Bill Filer
Mrs. Sadie Suydam	Committee Clerk
G. W. P. Yocum	Gatekeeper
F. T. Walker	Porter
J. E. Corbin	Page to Lieutenant Governor
C. E. Church	Bill Filer
E. J. Smith	Bill Filer

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Campbell, Cartwright, Cutten, Gates, Hewitt, Hurd, Judland, Larkins, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—21.

NOES—None.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifteen minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

APPOINTMENT OF COMMITTEE.

The President appointed Senators Wright, Boynton, and Cartwright, as a Committee on Rules, as provided for in the following resolution:

WHEREAS, The Senate has adopted a resolution directing and authorizing the President of the Senate to appoint a committee of three hold-over Senators to prepare and submit to the fortieth session of the Legislature of California a new system of rules to govern the Senate and Assembly in their deliberations for the purpose of securing greater economy in time and expense; and

WHEREAS, In the opinion of the Senate, the cooperation of the Assembly is necessary in accomplishing proper revision of the rules; therefore be it

Resolved, That the Assembly be and is hereby invited to appoint a similar committee of three members to cooperate with and act in conjunction with the committee appointed by the Senate to recommend to the fortieth session of the Legislature a revised system of rules.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT—Your Committee on Finance, to whom was referred Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor, approved March 11, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 69 ordered on file for second reading.

$$Y_{\text{eff}} = Y_{\text{eff}}(T, \rho, \mu) = Y_{\text{eff}}(T, \rho, \mu, \text{etc.})$$

The following resolution was introduced:

18x Senator Cotton.

[illegible]

Results and discussion

The speaker turned on the adoption of the resolution.

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution suspended by the following vote:

[illegible]

CASE OF URGENCY.

Assembly Bill No. 38—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor, approved March 11, 1907.

Read several times and considered important.

Received 9 June 1987

The speaker being on the passage of the bill

The roll was called, and Assembly Bill No. 60 finally passed by the following vote:

[illegible]

10

Total used and ignored

[illegible]

THE UNIVERSITY OF CHICAGO

Assembly Bill No. 576. An Act to appropriate the sum of eight thousand and no/100 dollars for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Read second time and amended & passed.

18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 8

The question being on the passage of the bill.

The bill was called and Assembly Bill No. 876 finally passed by the following vote:

James Campbell, Cartwright, Cas-
 lock, Lewis, Martinelli, Regan, Rush,
 Walker, Walton, and Wright—25.

1055-1

Table read and approved

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 1586—An Act making appropriations for the support of the State of California for the sixty-third and sixty-fourth fiscal years.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1586 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Cutten, Estudillo, Finn, Holahan, Hurd, Judthard, Lewis, Martignelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobebridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON FREE CONFERENCE.

MAJORITY REPORT OF FREE CONFERENCE COMMITTEE ON ASSEMBLY BILL No. 643.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: Your Committee on Free Conference, concerning Assembly Bill No. 643, entitled "An Act to amend section two of an Act entitled 'An Act relating to estrays; providing for taking them up; and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up; and repealing all other Acts or parts of Acts now in force relating to estrays,'" approved March 23, 1901, report that we have met a like committee of the Assembly, consisting of Assemblymen Kehoe, Wilson, and Stevenot; and we further report:

That such Free Conference Committee has agreed that the Senate amendment to the bill, to wit: the addition of the words "or upon unenclosed lands where the acreage of the owner or the person entitled to the possession thereof exceeds one thousand two hundred and eighty acres," in lines 10, 11, and 12, of the printed bill, should be stricken therefrom.

WILSON,
KEHOE,
J. J. LILLARD,
STEVENOT.

Majority of Committee on Free Conference.

Other members of said committee are Senators Shanahan and Cutten.

POINT OF ORDER.

Senator Shanahan raised the point of order: "That a majority of the Free Conference Committee had reported in favor of the adoption of the Senate amendment, which the Assembly refused to concur in, but the majority does not consist of a majority of each committee, appointed as members from the respective houses, and that consequently, under Rule 14 of Joint Rules, the committee had disagreed, and no further proceedings could be had on the bill."

RULING ON POINT OF ORDER.

The President pro tem. of the Senate ruled the point of order well taken.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. FURNACE. Your Committee on Education, to whom was referred Assembly Bill No. 808, "An Act to amend Section 122 of the Political Code, relating to the powers and duties of the State Board of Education," have read the same under consideration and unanimously passed the same back, and recommended that it do not pass.

STROBRIDGE, Chairman.

Assembly Bill No. 808 ordered on file for second reading.

FURTHER READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Hewitt, the third reading of Assembly Bill, making appropriations and pertaining to county government, was taken up, out of order.

Assembly Bill No. 1568.—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1568 finally passed by the following vote:

AYES: Senators Aye, Brown, Fox, Hays, Henshaw, Conness, Cartwright, Cassidy, Coffey, Hendricks, King, Viles, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martonelli, Seaton, Quinn, Stenhouse, Thompson, Walker, Wolfe, and Wright, 27.

NAYES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1569.—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1569 finally passed by the following vote:

AYES: Senators Aye, Bell, Fox, Hendricks, Conness, Cartwright, Cassidy, Coffey, Hendricks, King, Hays, Hare, Hurd, Juilliard, Larkins, Lewis, Martonelli, Brown, Hays, Seaton, Stenhouse, Seaton, Stenhouse, Thompson, Walker, Wolfe, and Wright, 27.

NAYES: None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47.—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Estudillo, Hare, Hewitt, Holohan, Hurd, Judd, Larkin, Martinelli, Regan, Rush, Stetson, Walker, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkin, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the exposition building at Los Angeles, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Hare, Holohan, Hurd, Juilliard, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1288—An Act making an appropriation to pay

measures which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1165 finally passed by the following vote:

AYES—SOURCES, Ayes, Baker, Bell, Bills, Black, Bornton, Burnett, Caminetti, Cartwright, Cassidy, Casper, Davidson, Foss, Goss, Hays, Hatcher, Hurd, Juddard, Martinelli, Regan, Rush, Seaton, Stedbridge, Walker, Welch, Wolfe, and Wright—26.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1166—An Act to make an appropriation for the general improvement of the Little Tahoe water race, a state highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 finally passed by the following vote:

AYES—SOURCES, Ayes, Baker, Bell, Bills, Black, Bornton, Burnett, Caminetti, Cartwright, Cassidy, Casper, Davidson, Foss, Goss, Hays, Hatcher, Hurd, Juddard, Martinelli, Regan, Rush, Seaton, Stedbridge, Walker, Welch, Wolfe, and Wright—26.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 24, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1289 finally passed by the following vote:

AYES—SOURCES, Ayes, Baker, Bell, Bills, Black, Bornton, Burnett, Caminetti, Cartwright, Cassidy, Casper, Davidson, Foss, Goss, Hays, Hatcher, Hurd, Juddard, Martinelli, Regan, Rush, Seaton, Stedbridge, Walker, Welch, Wolfe, and Wright—26.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz, into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 600 finally passed by the following vote:

AYES—SOURCES, Ayes, Bell, Bills, Black, Bornton, Caminetti, Cartwright, Cassidy, Davidson, Foss, Goss, Hays, Hatcher, Hurd, Juddard, Martinelli, Regan, Rush, Seaton, Stedbridge, Walker, Welch, Wolfe, and Wright—26.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right-hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1539 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Black, Boynton, Burnett, Cartwright, Cassidy, Cutton, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Martinelli, Reagan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1194 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Juilliard, Martinelli, Reagan, Rush, Sanford, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Strobridge asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 2 for consideration, out of order, for the purpose of amendment.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

The following amendments were offered by Senator Strobridge:

On page 2, Section 7, line 17, strike out the words "to the", and all of lines 18 and 19, and insert in lieu thereof the following: "and sold at the cost price of printing, publishing and distributing the same".

Amendment adopted.

Also:

On page 2, Section 7, line 20, after the word "whatsoever", insert the following: "which will require or necessitate the purchase of new books by such pupils."

Amendment adopted.

Assembly constitutional amendment read, ordered to print, and on file.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—OUT OF ORDER

Senator Shandeen asked for, and was granted unanimous consent to take up Assembly Constitutional Amendment No. 16 for consideration, out of order.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 16.

A resolution to propose to the people of the STATE of California an amendment to the Constitution of the State, by amending existing article of Article Four, Article, relating to faculty of universities, and for four four books.

The Legislature of the State of California, at its regular session, introduced on the second day of January, one thousand nine hundred and eleven, and two copies of all the members present to each of the houses of Legislature, copies of the same, hereby proposed that section seven of article four of the Constitution of the State of California be amended so as to read as follows:

SECTION 7. The State Board of Education shall consist of the following members:

1. The Governor.
2. The Superintendent of Public Instruction.
3. The President of the University of California, and the professors of pedagogy therein.
4. The president of the State Normal Schools.

The State Board of Education shall compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the common schools throughout the State. The State Board may cause such textbooks, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, they shall be distributed free of cost, to all children attending the common schools of this State, under such conditions as the Legislature shall prescribe. The textbooks so adopted shall continue in use not less than three years without any other alteration, and said said board shall purchase such alterations as may be presented to it. The Legislature shall provide for a board of education to make study in the State. The board shall supervise and the grant of teachers, and shall have control of the examination of teachers and the granting of teachers, and shall make their respective regulations.

SENATOR EXCUSED FROM VOTING.

Senator Cartwright asked for, and was granted, unanimous consent to be excused from voting on Assembly Constitutional Amendment No. 16 for reasons stated.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 16—RESUMED.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 16 refused adoption by the following vote:

AYES—Senators Avey, Bell, Boynton, Caminetti, Cutten, Escondido, Hewitt, Jailard, Lewis, Ross, Seaborn, Seaborn, Seaborn, Seaborn, Walker, and Wright—16.
 NOES—Senators Behan, Bell, Cassidy, Finn, Gates, Hare, Holohan, Martinelli, Rogan, Wilson, and Wright—11.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED.)

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Billis, Boynton, Caminetti, Cassidy, Cutten,

Los Angeles, Fann, Gates, Hare, Hooban, Hurd, Julliard, Lewis, Martinelli, Regan, Rush, Safford, Shuman, Stetson, Walker, Welch, Wolfe, and Wright—20.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 160—An Act entitled an Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918 1/2, 1921, and 1922, relating to "loan of money," and providing for rate of interest thereon.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "ten", and insert in lieu thereof the following: "twelve".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1199 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Caminetti, Cartwright, Cassidy, Fann, Gates, Hewitt, Holoban, Hurd, Julliard, Lewis, Martinelli, Regan, Rush, Shuman, Stetson, Strobbridge, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers and directing the disposition of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Caminetti, Cartwright, Cassidy, Fann, Gates, Hewitt, Hooban, Hurd, Lewis, Martinelli, Rush, Strobbridge, Walker, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1471 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Caminetti, Cartwright, Cas-

Mr. Carson, Felt, Lewis, Hays, Henson, Hurd, Lewis, Martinelli, Regan, Hays, Stetson, Walker, Williams, Wolfe, and Wright—24.
NAY—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1475.—An Act to amend section 4144 of the Political Code of the State of California, relative to the burial of bodies by interment and disposal of the corpse thereof.

Assembly Bill No. 1475 was temporarily passed on file, in the absence of Senator Henson, to whom he goes.

Assembly Bill No. 1478.—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1478 finally passed by the following vote:

AYES—Senators Carson, Bell, Felt, Hays, Henson, Carpenter, Cartwright, Cassin, Carson, Felt, Lewis, Hays, Hurd, Lewis, Martinelli, Regan, Stetson, Walker, Williams, Wolfe, and Wright—24.
NAY—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 572.—An Act to amend section fifteen hundred and seventy-two of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereof of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 572 finally passed by the following vote:

AYES—Senators Carson, Bell, Felt, Hays, Henson, Carpenter, Cartwright, Cassin, Carson, Felt, Lewis, Hays, Hurd, Lewis, Martinelli, Regan, Stetson, Walker, Williams, Wolfe, and Wright—27.
NAY—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1313.—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1313 finally passed by the following vote:

AYES—Senators Carson, Bell, Felt, Hays, Henson, Carpenter, Cartwright, Cassin, Carson, Felt, Lewis, Hays, Hurd, Lewis, Martinelli, Regan, Stetson, Walker, Williams, Wolfe, and Wright—23.
NAY—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL [OUT OF ORDER].

Senator Felt asked for, and was granted, unanimous consent to take up Assembly Bill No. 1077 for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, after the word "person", insert the following: "one of whom must be one of the inheritance tax appraisers provided for by law."

Amendment adopted.

Also:

On page 1, Section 1, line 10, after the word "appraiser", insert the following: "who need not be the collateral tax appraiser."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL (OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to take up Assembly Bill No. 1478 for consideration, out of order.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and defrayal of the expense thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1478 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Holoban, Hurd, Lewis, Martinelli, Regan, Shanahan, Sietson, Strobridge, Walker, Welch, Wolfe, and Wright. 26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shanahan asked for, and was granted, unanimous consent to take up Assembly Bill No. 713 for consideration, out of order.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cutten:

Resolved, That Assembly Bills Nos. 1176, 1544, and 200 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES. Senators: Aves, Baker, Bell, Bliss, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cullen, Egan, Hadden, Hale, Hays, Hewitt, Hilditch, Hurd, Leonard, Lewis, Martinelli, Quinn, Skidmore, Stanton, Strobridge, Walker, Wolfe, Wolfe, and Wright—18.

NOES. None.

CASE OF URGENCY.

Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1176 finally passed by the following vote:

AYES. Senators: Aves, Baker, Bell, Bliss, Black, Boynton, Burnett, Cassidy, Cullen, Egan, Hadden, Hale, Gatea, Hare, Hewitt, Hurd, Juilliard, Lewis, Martinelli, Quinn, Rusk, Stanton, Skidmore, Thompson, Walker, Wolfe, Wolfe, and Wright—27.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1544 finally passed by the following vote:

AYES. Senators: Aves, Baker, Bell, Bliss, Black, Boynton, Burnett, Caminetti, Cartwright, Cassidy, Cullen, Egan, Hadden, Hale, Hays, Hewitt, Hilditch, Hurd, Juilliard, Lewis, Martinelli, Quinn, Rusk, Stanton, Skidmore, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 200—An Act to establish the California State Reformatory, to provide for the purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Black, Boynton, Burnett, Caminetti, Cassidy, Carson, Escudillo, Gates, Haro, Hewitt, Hard, Julliard, Lewis, Martinelli, Regan, Stetson, Strobridge, Thompson, Welch, Wolfe, and Wright—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Welch asked for, and was granted unanimous consent to take up Assembly Bill No. 1333 for consideration, out of order.

Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Strobridge asked for, and was granted unanimous consent to take up Assembly Bill No. 1305 for consideration, out of order.

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Caminetti:

Resolved, That Assembly Bill No. 1574 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that same will be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution was suspended by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Boynton, Burnett, Caminetti, Carwright, Cassidy, Carter, Escudillo, Finn, Gates, Haro, Hewitt, Holahan, Julliard, Lewis, Martinelli, Regan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

During second reading of the bill the following amendment was submitted by committee:

"In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

justice before whom the action shall be brought, for all services rendered, including the making up, and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fee as if the action had been commenced before him.

14. Each constable shall receive the following fees: for serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

15. Each member of the board of supervisors, four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board.

Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named in the same manner as other claims against the county are allowed.

The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred and seventy of this Code.

17. Juror's fees, and witness fees in criminal cases, shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only; and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's actual attendance, sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same, *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Stinson asked for, and was granted, unanimous consent to take up Assembly Bill No. 583 for consideration, out of order.

Assembly Bill No. 685.—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Bill read second time, and ordered on file for third reading.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wolff arose in a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I voted for Senate Concurrent Resolution No. 13 in consideration of the fact that the principles of the Republican, Democratic, and Union Labor parties were identical in their opposition to the Initiative and referendum, and that in the opinion of the majority of the members of the Senate, these principles have been established generally by the people of the State.

MOTION.

Senator Wolff moved that a members' special urgency file be prepared, one bill on the filed reading file for each Senator, and that no other be considered.

Motion carried.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Senator Bell, the President pro tem. declared the Senate adjourned until Sunday, March 26, 1911, at eleven o'clock P. M.

IN SENATE.

SENATE CHAMBER.

Sunday, March 26, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. A. E. Royman, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Allen, Bond, Boyd, B. S. Bross, Buck, Royman, Bryant, Burnett, Cushman, Cushman, Cushman, Cushman, Eschscholtz, Felt, Gares, Hare, Hewitt, Herring, Hume, Johnson, Lockyer, May, McCall, Rogers, Roscherry, Rush, Shanahan, Sisson, Steinberg, Thompson, Tipton, Walker, Wolff, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by Rt. Rev. Monsignor Capel, of Arno.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 25, 1911, the further reading was dispensed with, on motion of Senator Rush.

SUSPENSION OF RULE.

Senator Steinbridge moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INCROSSMENT AND ENROLLMENT.

SENATE CHAMBER SACRAMENTO, MARCH 26, 1911.

MR. PRESIDENT, Your Committee on Incrossment and Enrollment have submitted Senate Constitutional Amendment No. 47. A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the railroad commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Also: Senate Bill No. 63—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and restoring the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Senate Bill No. 439—An Act to amend Section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the fourth class, and to the number, appointment and salaries of their assistants and deputies.

Also: Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies, providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Also: Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Register of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Also: Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Also: Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending section one of said Act.

Also: Senate Bill No. 911—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

Also: Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Also: Senate Bill No. 1217—An Act to amend Sections 2, 7, 13, 35, and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements, and to repeal Section 20 of said Act.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 197 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Holohan, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 197 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 382?"

On page 1, Section 1, commencing with the words "A register", in line 3, of the printed bill as amended, strike out all of the sentence down to and including the word "county", in line 9.

Also On page 2, Section 1, line 14, of the printed bill as amended, strike out the word "forty", and in lieu thereof insert the following: "thirty".

Also On page 2, Section 1, of the printed bill as amended, insert a period after the word "election", in line 15, and strike out the balance of the sentence down to and including "tion", in line 20.

Also On page 6, Section 5, line 8, of the printed bill as amended, strike out the word "intoxicated", and in lieu thereof insert the following: "incapacitated from acting."

Also On pages 6 and 7, of the printed bill as amended, strike out all of Section 4, and renumber Sections 5, 6, and 7 so that they will be Sections 4, 5, and 6, respectively.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 382 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Holohan, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 382 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 747?"

AMENDMENT No. 1.

Beginning with the word "it", in line 3, Section 1, of the printed bill as amended, strike out all of bill down to and including the word "protected", in line 6, Section 1, and insert in lieu thereof the following:

"It shall be the duty of the State Board of Forestry, whenever it shall be deemed necessary, to notify the owner of any forest area within the State by a written notice to be served upon the person or persons or corporation, or either of them, owning or having charge of such area, or upon the agents, attorney or representative of either, by any fire warden, deputy fire warden or special fire warden, or any employee of the State Board of Forestry, in the same manner as a summons in a civil action, or if such area belongs to any non-resident person or corporation and there is no person in control or possession thereof, and such non-resident person or corporation has no tenant, attorney, representative or agent upon whom such service can be had, or if the owner or owners of such area or their tenants, attorneys, representatives, or agents, can not after due diligence be found, then by posting the said notice in some conspicuous place upon such area and by mailing a copy thereof to the owner thereof at his last known place of residence if the same is known or can be ascertained, that the said State Board of Forestry intends to cause an inspection to be made of the said forest area for the purpose of ascertaining whether or not the same constitutes a nuisance as hereinafter provided. The said notice shall describe the forest area to be inspected by general description and shall designate the time of such inspection. At the time so designated in said notice the said State Board of Forestry shall cause an inspection to be made of the said forest area and the said owner or his agent shall be permitted to be present during such inspection and shall be given a full opportunity of showing that such forest area is not a nuisance as contemplated by this Act. If the said State Board of Forestry after such inspection finds any forest area inadequately protected."

AMENDMENT No. 2.

On page 2, line 12, of the printed bill as amended, after the word "persons" insert the words "or corporation".

to be voted on shall together make a total of more than fifteen, one voting machine shall be provided for every two hundred and fifty registered voters or fraction thereof. At any election in any precinct where these requirements are not complied with, voting machines shall not be used."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 772 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Bowdoin, Burnett, Cammett, Camp, Tell, Cutton, Estudillo, Hare, Holahan, Hurd, Watkins, Martinelli, Regan, Roscherry, Rush, Shanahan, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—25.
 NOES—None.

Senate Bill No. 772 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 961?"

AMENDMENT No. 1.

On page 1, line 1, of the title, after the word "of", insert the following: "oyster and other".

AMENDMENT No. 2.

On page 1, line 2, of the title, after the word "where", insert the following: "oysters and other".

AMENDMENT No. 3.

On page 1, line 3, of the title, before the word "shell", insert the following: "other".

AMENDMENT No. 4.

On page 1, Section 1, line 3, strike out the word "or", and insert the following: "and".

AMENDMENT No. 5.

On page 1, Section 1, line 5, strike out the word "or", and insert the following: "and".

AMENDMENT No. 6.

On page 1, Section 1, line 8, before the word "shell", insert the following: "oysters and other".

AMENDMENT No. 7.

On page 1, Section 2, line 2, strike out the word "or", where it appears in said line twice, and insert in each said place the word "and".

AMENDMENT No. 8.

On page 2, Section 2, line 4, strike out the word "or", and insert the word "and".

AMENDMENT No. 9.

On page 2, Section 2, line 6, after the word "wherein", insert the following: "oysters and other".

AMENDMENT No. 10.

On page 2, Section 3, line 2, strike out the word "or", following the word "oyster", and insert the word "and".

AMENDMENT No. 11.

On page 2, Section 4, line 3, strike out the word "or", and insert the word "and".

AMENDMENT No. 12.

On page 2, Section 3, line 6, after the word "of", insert the following: "oysters and other".

AMENDMENT No. 13.

On page 2, Section 4, line 7, after the word "preparing", insert the following: "oysters and other".

AMENDMENT No. 14.

On page 2, Section 4, line 9, after the word "preparing", insert the following: "oysters and other".

AMENDMENT No. 15.

On page 2, Section 4, line 12, after the word "the", insert the following: "oysters and other".

AMEN. GENT. No. 16.

On page 2, Section 5, line 7, after the word "prospering", insert the following:

VOLUME 17

On page 2, Section 5 line 9 after the word "the," insert the following sentence and comma:

ANNEX No. 18

On page 2, Section 2, line 11, before the word "and", insert the following:

AUGUSTINE No. 10

On page 7, Sentence 6, line 3, before the word "that", insert the words: "coexisting

AUGUST 1941 No. 20

On page 2, Section 6, line 6, below the word "and", insert the words "systems

Volume No. 21

On page 7, Section 2, line 1, insert the word "about" after the words "Toasters."

AMENDMENT No. 22

On page 9, line 3, Section 7, under the word "insert", insert the words "oysters and other".

1005-1008 No. 23

other shellfish."

AMENDMENT No. 24

The same is Section 8, the "Other Disruptive Persons", except the words "and

1. 1. 1. 1. 1. 1.

On page 4, Section 8, line 30, strike out the word "of", after the word "systems", and insert the word "and".

[Faint handwritten notes]

On page 1, Section 8, line 22, after the word "because", strike out the comma (,) and the word "or", and insert the following: "and other".

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On page 4, Section 8, line 28, after the bracket following the word "contamina-
tion," insert: "and the bodies of the animals which are taken from the beds upon which
they have been found."

100

On page 4, Section B, line 9, after the word "the", insert the following: "oysters

11-11-19

On page 4, below the word "she'll", insert the following:

3. Section 7, line 2, strike out the word "and", and insert in lieu thereof the word "or".

Also, on line 3, remove 7, line 5, strike out the word "and", and insert in lieu thereof the word "and".

Also, on page 3, Section 8, line 3, strike out the word "and", and insert in lieu thereof the word "or".

10. strike out the word "and", and insert in lieu thereof the word "or".

AS. On page 4, line 20, strike out the word "and", and insert in lieu thereof the word "or".

4. Section 2, line 6 strike out the word "and", and insert in lieu

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 961 by the following vote:

AMES.—See also Ball, Bass, Beldane, Black, Boynton, Bryant, Burnett, Caminetti,
Cannell, Clegg, Cook, Cross, Harr, Holman, Julliard, Martinelli, Regan, Rose-
berry, Ross, Sargent, Stone, Stutz, Thompson, Walker, Welch, and Wright—25.

1917

Senate Bill No. 961 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1138?"

On page 1, line 2, of the title, strike out the figures "1247" and the comma following the same.

Also: On page 1, line 3, of the title, immediately after the comma following the word "California", insert the following: "and to add a new section thereto to be designated as Section 1247a, all".

Also: On page 4, strike out all of Section 3, and insert in lieu thereof the following:

"Sec. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered 1247a, and to read as follows:

1247a. The court shall also have power to regulate and determine the place and manner of removing or relocating structures or improvements, or of enjoying the common use mentioned in the fourth subdivision of section twelve hundred and forty."

On motion of Senator Bell, further consideration of Assembly amendments to Senate Bill No. 1138 was passed, in the absence of Senator Hewitt.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1221?"

AMENDMENT No. 1.

On page 2, of the printed bill, as amended in the Senate, March 10, 1911, Section 2, line 20, after the word "yard" and before the word "is", insert the following: "and bounded on three sides by a tenement house on the same lot".

AMENDMENT No. 2.

On page 6, Section 11, line 17, after the word "over" and before the word "feet", strike out the figures "24", and insert in lieu thereof the figures "20".

AMENDMENT No. 3.

On page 6, Section 11, line 17, after the word "feet" and before the word "wide", insert the words "or more".

AMENDMENT No. 4.

On page 6, Section 11, line 17, strike out the word "over".

AMENDMENT No. 5.

On page 6, Section 11, after the period at the end of line 24, add the following:

"Provided, that said outer court shall not be required to be of a depth which shall leave less than 50 feet between the rear lines of said court and the line of said lot immediately behind said court."

AMENDMENT No. 6.

On page 7, Section 13, line 3a, after the word "least" and before the period, strike out the word "length", and insert in lieu thereof the word "width".

AMENDMENT No. 7.

On page 8, Section 15, line 7, strike out the figures "160", and insert in lieu thereof the figures "180".

AMENDMENT No. 8.

On page 8, Section 15, line 7, strike out the figure "8", and insert in lieu thereof the figure "9".

AMENDMENT No. 9.

On page 8, Section 15, line 8, strike out the figures "240", and insert in lieu thereof the figures "300".

AMENDMENT No. 10.

On page 8, Section 15, line 8, strike out the figures "10", and insert in lieu thereof the figures "12".

AMENDMENT No. 11.

On page 8, Section 15, line 9, strike out the figures "360", and insert in lieu thereof the figures "490".

AMENDMENT No. 12.

On page 8, Section 15, line 9, strike out the figures "12", and insert in lieu thereof the figures "14".

AMENDMENT No. 13.

On page 8, Section 15, line 10, strike out the figures "429", and insert in lieu thereof the figures "395".

AMENDMENT No. 14.

On page 8, Section 15, line 10, strike out the figures "14", and insert in lieu thereof the figures "17".

AMENDMENT No. 15.

On page 22, Section 73, line 7, after the comma and before the word "regulations", insert the word "and".

AMENDMENT No. 16.

On page 28, Section 82, line 28, strike out the period and insert in lieu thereof the following: "subject to the provisions of Section 61 of this Act."

AMENDMENT No. 17.

On page 29, Section 84, line 2, strike out the word "port", and insert in lieu thereof the word "port".

AMENDMENT No. 18.

On page 30, Section 89, line 41, strike out the word "city", and insert in lieu thereof the following: "incorporated city, unincorporated city or city and county".

AMENDMENT No. 19.

On page 34, Section 101, line 2, strike out the figures "315", and insert in lieu thereof the figures "316".

AMENDMENT No. 20.

On page 39, Section 149, after the period at the end of line 5, add a new section, as follows:

SEC. 141. This Act shall be in force and effect from and after ten days from the date of its passage."

AMENDMENT No. 21.

On page 4, Section 6, line 2 of the printed bill, after the word "alley", insert the following: "or other public thoroughfare or public park".

AMENDMENT No. 22.

On page 9, Section 17, line 18, at the printed bill, after the word "alley", insert the following: "or other public thoroughfare or public park".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1221 by the following vote:

AYES. Senators Ayes: Bill, Ross, Buckall, Black, Boynton, Bryant, Burnett, Campbell, Campbell, Cullen, Gates, Hays, Hendon, Hunt, Marshall, Rags, Rush, Shanahan, Stensberg, Thompson, Walker, Wells, Wills, and Wright—24.

NOES. None.

Senate Bill No. 1221 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1247?"

On page 16, at the printed bill, after Section 63, add the following additional section:

SEC. 64. Nothing in this Act shall be construed as in any manner affecting or modifying the jurisdiction of the Political Code of the State of California concerning constitutional officers, officers, judges, and possessors of said Code."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 1247 by the following vote:

AYES. Senators Buckall, Black, Boynton, Bryant, Campbell, Cullen, Estudillo, Gates, Hays, Hendon, Hunt, Marshall, Rags, Rossmore, Rush, Shanahan, Stensberg, Walker, Wells, Wills, and Wright—23.

NOES. None.

Senate Bill No. 1247 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1286?"

AMENDMENT No. 1.

Strike out of Section 1, page 2, lines 31, 32, 33, and 34, of printed bill, the words "and provided, however, that said sheriff shall reserve for traveling outside of his said

county in the service of criminal process, no mileage, but shall be allowed his actual and necessary expenses therefor."

AMENDMENT No. 2.

Strike out of Section 1, page 2, line 30, of printed bill, the word "fifteen" and insert in lieu thereof the following: "twenty".

AMENDMENT No. 3.

Insert in Section 1, page 2, line 29, of printed bill, after the word "served", the following: "in either civil or criminal process or proceeding".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1286 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Holohan, Hurd, Jaffard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 1286 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 45?"

AMENDMENT No. 1.

Amend title by striking out the roman numerals "XIX", and inserting in lieu thereof the roman numerals "XX".

AMENDMENT No. 2.

On page 1, line 6, strike out the roman numerals "XIX", and insert in lieu thereof the roman numerals "XX".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Constitutional Amendment No. 45 by the following vote:

AYES—Senators Avey, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Estudillo, Gates, Hare, Holohan, Hurd, Larkins, Martinelli, Roseberry, Rush, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—24.

NOES—None.

Senate Constitutional Amendment No. 45 ordered to enrollment.

LEAVES OF ABSENCE.

Senator Lewis was, on motion of Senator Hare, granted leave of absence for this day.

Senator Sanford was, on motion of Senator Campbell, granted leave of absence for this day.

MESSAGES FROM THE ASSEMBLY—RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Also: Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1890.

Also: Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 901—An Act to define and prohibit bucketing and bucket shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also, Section 10, No. 108, Art. 45, annual Session 1257 of the Political Code, relating to the rate and manner of payment of interest on the third class.

As a result, Hill No. 1184, An Act to amend Section 4 of the Act approved March 20, 1890, entitled "An Act to amend and supplement a public school system, immunity and provisions relating to the several counties and cities and counties in the State," as amended March 2, 1897, as amended March 20, 1903, as amended March 20, 1905, is amended March 21, 1906.

Notes: 1. *Alnus* *Sessilis* L. No. 1249. At New Orleans in the city of Long Beach the tide marks are somewhat South of the State of California within the boundaries of the said city.

[illegible]

Also: Assembly Concurrent Resolution No. 20. Relative to granting leave to certain members of the Assembly to leave the State of California for a period of more

1. B. MALLORY, Chief Clerk of the Assembly
The House of Commons, Assembly Chamber

Senate Bills Nos. 431, 615, 874, 887, 901, 1038, 1184, and 1246 ordered to enrollment.

Senate Constitutional Amendment No. 49 ordered to enrollment

1125

Senator Wells moved that the rules be suspended, and Assembly Concurrent Resolution No. 20 be placed on file, without reference to committee.

Motion accepted.

Assembly Concurrent Resolution No. 29 rendered on file, without reference to either House.

CONCENTRATION OF METALS IN THE GROUNDWATER

Senator Wells asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 29 for consideration, out of order.

Assembly Concurrent Resolution No. 29

Relative to the second, the following members of the Assembly to leave the State of Tennessee for a period of more than sixty days.

The record in the Assembly in the State in the present, the State has been. Their leave of absence from the State for a period longer than sixty days, during their leave of absence, is being granted to the following members of the Assembly, said leave of absence to be without pay of salary:

Messrs H. N. E. L. F. B. S. H. S. B. C. G. H. B. Mink, Clyde
R. S. C. A. R. S. D. Rehnelt, H. W. Brown, E. M. Butler, R. J. Callaghan,
H. G. C. W. F. C. H. W. C. Clark, N. C. Coghan, P. F. Cogswell, J. R.
C. S. C. S. A. M. D. M. Donegri, Lyman Farwell, T. J. Feeley,
G. L. F. C. W. R. F. G. R. Freeman, E. C. Gaylord, E. C. Gerdes, T. F.
G. L. W. R. C. S. H. F. C. H. F. W. H. H. G. H. Harlan,
D. R. H. S. W. D. H. F. C. H. W. F. H. S. G. A. Jasper, M. R.
Jones, A. F. F. F. S. W. K. W. F. K. W. A. I. Lamb, E. J.
L. H. H. F. W. T. Lyon, J. B. Maher, G. E. Malone, J. C. March, W. A.
M. D. C. F. M. G. S. M. O. D. M. J. E. McNally, E. J. D.
N. H. F. S. C. F. S. C. H. R. C. D. R. S. F. N. Rogers,
A. A. R. S. H. R. F. M. R. J. J. Ryan, V. A. Saugha, M. L.
S. C. H. W. S. M. S. F. G. S. J. W. S. K. W. A. Suth-
land, R. L. T. J. H. S. F. J. Walker, E. P. Walsh, D. E. Williams, L. H.
Wilson, C. W. Wallis, C. C. Young, C. H. Hewitt, T. G. Walker, H. A. Harper, and
Jas. Cox, Esq., Hon. W. H. S. of the State of California.

Assembly current resolution or read

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 29 adopted by the following vote:

Aves. S. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

S. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

Regan, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Assembly Concurrent Resolution No. 29 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 395—An Act to amend Section 17 of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bill No. 395 read first time, and ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 445 ordered to enrollment.

RESOLUTION.

The following resolution was introduced:

By Senator Stetson:

Resolved, That the sum of eleven hundred dollars be, and the same is hereby, authorized and directed to be paid out of the Contingent Fund of the Senate to the order of Walter N. Parrish, Secretary of the Senate, for services of clerks; and for the purpose of compiling, preparing and having printed after final adjournment a final calendar of the legislative business of the thirty-ninth session, said calendar to comprise a history of all bills introduced, their authors, and the number that may become laws; those that have been read a second time, and any and all other information as will create a perfect guide and history of the session's business; and further full information concerning the expenses of both branches of the Legislature during the thirty-ninth session.

Out of which sum of eleven hundred dollars shall be paid such clerks and attachés of the Senate as may be required to complete the final work of their several and respective offices, namely: that of collecting, arranging, labeling, and delivering to the Secretary of State the papers, documents, etc., under direct and immediate supervision of the Secretary of the Senate; the arranging, labeling, and filing of the papers, books, and documents, pertaining to and belonging to the offices of the Journal Clerk, Engraving Clerk, Minute Clerk, History Clerk, etc. From said sum of eleven hundred dollars, said Walter N. Parrish, Secretary of the Senate, shall also pay to the respective officers and attachés rendering services after the close of the session such amounts varying in sum from twenty-five dollars to seventy-five dollars each, as may be proper, for the services rendered as set forth herein.

The Controller of State is hereby authorized and directed to draw his warrant in favor of said Walter N. Parrish for said eleven hundred dollars, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

SENATOR HARE IN THE CHAIR.

At eleven o'clock and ten minutes p. m., Senator Hare, of the Twenty-third District, in the chair.

RESOLUTION.

The following resolution was introduced
By Senator Strobbridge:

WHEREAS, On January 23, 1911, the President of the Senate, under the authority of the following resolution which had been then adopted by the Senate:

Resolved, That the President of the Senate do, and he is hereby authorized and directed to appoint a special committee of two members, each to be a member of the Senate Committee on Education, whose duty it shall be to investigate into the fact and the true state of matters in the most effective printing and bookbinding, method of education, literature and publications, writings and book of authorities in the textbooks used in the common schools and book of uniformity and regularity, leading to high school experience mentioned or required to be used by the Constitution and laws of this State in the various counties and cities and counties of the State, and to report;

Resolved, That the said committee, after making such investigation, report to the Senate upon the fact and the true state of the printing, publishing, and also upon the method and manner of the use of books in the common schools, and the provisions of uniformity and regularity in school text-books in the State, and be it further:

Resolved, That the said committee, in carrying out and report to the Senate upon the resolution of January 23, 1911, Article IX, of the Constitution, set out to provide for the committee, meeting and progress of a working copy of school text-books, and any of the necessary expenses to be furnished and distributed by the State from any source for the use of all pupils attending such common schools, and be it further:

Resolved, That said committee shall have power to subpoena witnesses and to send for persons and papers, and also to have witnesses and counsel attendance of witnesses before committee, and be it further:

Resolved, That the Secretary of the Senate is hereby authorized to pay \$25 for each witness, and for the printing of subpoenas, and other expenses, and be it further:

And it is the special pleasure authorized by said resolution: Senators Strobbridge, Strobbridge, Hering, Thompson, and A. J. ...

WHEREAS, Such committee is limited by the limited time and the pressure of other legislative business, and it is hereby authorized the investigation or to formulate the same, and to report to the President, and

WHEREAS, The members of the Senate demand that such investigation should be carried out in the spirit of the foregoing resolution; now, therefore, be it

Resolved, That a special committee of five Senators be appointed by the President of the Senate to carry out the resolution provided for and set forth in the text of the foregoing resolution, and to prepare the report and recommendation, and to report to said resolution and submit the same to the Senate of the State at the time of its next session together with such facts and other information as may be required by said investigation, which committee shall be entitled to receive their necessary traveling expenses out of the Contingent Fund hereinafter provided, and be it further:

Resolved, That said committee be, and it is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and subjects hereinbefore mentioned, and to that end to employ all necessary counsel and expert witnesses, and said committee is hereby authorized and empowered to examine witnesses, send for persons and papers, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to examine witnesses, and the members of said committee are, and each of them is, hereby authorized to administer oaths. And all the provisions of Article VIII of Chapter II, Part I, Part III of the Political Code of this State relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; and the Sergeant at Arms of the Senate is hereby authorized and directed to serve any and all subpoenas, and notices or other process that may be issued by said committee, when presented to him by the chairman thereof; and be it further:

Resolved, That the sum of five thousand dollars out of the Contingent Fund of the Senate be hereby made available for the purpose of defraying the necessary traveling expenses of the members of said committee and the contingent expenses of said committee in said investigation, and the Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenses as the same may be certified to him from time to time by the chairman of said committee.

Resolution read.

MOTION.

Senator Wright moved to strike out of the resolution that portion stating that Senators "shall serve without compensation."

Motion carried.

The question being on the adoption of the resolution as amended.

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Estudillo, Gates, Hare, Hewitt, Holahan, Juilliard, Martinelli, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—28.

NOES—Senators Finn, Larkins, Regan, and Tyrrell—4.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 1138.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1138?"

On page 1, line 2, of the title, strike out the figures "1247" and the comma following the same.

Also, On page 1, line 3, of the title, immediately after the comma following the word "California", insert the following: "and to add a new section thereto to be designated as Section 1247a, all".

Also: On page 4, strike out all of Section 3, and insert in lieu thereof the following:

"SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered 1247a, and to read as follows:

1247a. The court shall also have power to regulate and determine the place and manner of removing or relocating structures or improvements, or of enjoying the common use mentioned in the fourth subdivision of section twelve hundred and forty."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1138 by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Curtin, Estudillo, Finn, Hare, Hewitt, Holahan, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 1138 ordered to enrollment.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT—Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That fifty dollars, being the Senate's portion, be, and is hereby, appropriated out of the Contingent Fund of the Senate, to pay for the bronze bas-reliefs used in the Washington and Lincoln birthday celebrations by this Legislature, and that the Controller is hereby directed to draw his warrant in favor of Carl Browne for said amount, and the State Treasurer is hereby instructed to pay the same; have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Burnett, Campbell, Cassidy, Estudillo, Finn, Gates, Hare, Hewitt, Holahan, Juilliard, Martinelli, Regan, Rush, Strobridge, Thompson, Walker, Wolfe, and Wright—22.

NOES—None.

MEMBERS' SPECIAL EMERGENCY FILE

Assembly Bill No. 1563.—An Act to amend section four thousand two hundred and seventy six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1563 finally passed by the following vote:

AYES. Senators Ayer, Ball, Ellis, Buck, Burton, Bryant, Burnett, Campbell, Cassady, Latham, Ford, Gibbs, Hale, Haddock, Jaffard, Martinson, Rogers, Rosenthal, Ross, Shattuck, Simon, Steinberg, Thompson, Fyfe, Wells, Wolfe, and Wright—27.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199.—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies of organizations engaged in such work and known as children's home finding societies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 finally passed by the following vote:

AYES. Senators Ayer, Ball, Ellis, Buck, Burton, Bryant, Burnett, Campbell, Cassady, Latham, Ford, Gibbs, Hale, Howard, Humann, Johnson, Larkins, Martinson, Rogers, Rosenthal, Ross, Simon, Thompson, Walker, Wells, and Wolfe—25.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1406.—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, degrade, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language," and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable pen-

alties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearing for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed." approved March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1406 finally passed by the following vote:

AYES—Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Burnett, Casady, Estudillo, Gates, Hare, Holohan, Martinelli, Regan, Roseberry, Rush, Stetson, Tyrrell, Walker, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1909.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Cutten, as a special committee of one, to amend as follows:

By striking out of line 5, page 1, of the printed bill, the words "without restriction and without fee, permit or license being required of them", and inserting in lieu thereof the following: "upon the payment of an annual license fee of eight dollars to the State Board of Pharmacy for a permit or license."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1001, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report read.

The question being on the adoption of the report.

The roll call was demanded by Senators Birdsall, Hurd, and Avey.

The roll was called, and the report of the special committee of one, and amendment to Assembly Bill No. 1001, adopted by the following vote:

AYES—Senators Avey, Beban, Boynton, Cutten, Estudillo, Finn, Hare, Hewitt, Holohan, Regan, Roseberry, Rush, Stetson, Strohbridge, Thompson, Tyrrell, Walker, Welch, and Wright—19.

NOES—Senators Bell, Bills, Birdsall, Black, Bryant, Burnett, Campbell, Gates, Hurd, Juilliard, Larkin, Martinelli, Shanahan, and Wolfe—11.

Bill ordered to print, and on file for third reading.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED.)

Assembly Bill No. 1495.—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California relating to the succession and distribution of property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1495 finally passed by the following vote:

AYES.—Senators Ayer, Bills, Black, Bond, Boynton, Bryant, Caminetti, Campbell, Cassady, Chase, Curtis, Ewing, Gages, Hart, Hendon, Hill, Johnson, Martinelli, Rogers, Ross, Tracy, Hall, Shattuck, Spencer, Thompson, Walker, Wolfe, and Wright—20.
 NAYS.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 760.—An Act to amend Sections 4093, 4097, 4101, and 4102 of the Political Code in relation to the duties of county auditors, county treasurers, district attorneys, and chairmen of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 760 finally passed by the following vote:

AYES.—Senators Bond, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassady, Curtis, Ewing, Gages, Hart, Hewitt, Hendon, Juilliard, Martinelli, Shattuck, Thompson, Walker, and Wright—21.
 NAYS.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 516.—An Act to repeal Section 364 of the Political Code relating to boards of examiners, and to substitute therefor a new Section and relating to State Board of Control.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 516 finally passed by the following vote:

AYES.—Senators Bond, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cassady, Curtis, Ewing, Gages, Hart, Hendon, Johnson, Juilliard, Larkins, Martinelli, Rogers, Shattuck, Thompson, and Walker—23.
 NAYS.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1479.—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1479 finally passed by the following vote:

AYES.—Senators Bond, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cassady, Curtis, Ewing, Foss, Gages, Hewitt, Hendon, Juilliard, Martinelli, Rogers, Shattuck, Spencer, Thompson, Walker, Wolfe, and Wright—24.
 NAYS.—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1182—An Act to amend Section 443 of the Political Code of the State of California and to add a new section thereto to be numbered 462.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1182 finally passed by the following vote:

AYES—Senators Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Finn, Gates, Hewitt, Holohan, Juilliard, Larkins, Martinelli, Regan, Shanahan, Strobridge, Thompson, Walker, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5, and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905.

On motion of Senator Bills, Assembly Bill No. 703 was temporarily passed on file, to retain its place.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1077 finally passed by the following vote:

AYES—Senators Behan, Bell, Bills, Black, Boynton, Burnett, Campbell, Cassidy, Estudillo, Finn, Hewitt, Juilliard, Martinelli, Regan, Shanahan, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21, of Article I, thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 884 refused final passage by the following vote:

AYES—Senators Behan, Burnett, Cassidy, Curtin, Finn, Hare, Regan, Shanahan, Welch, Wolfe, and Wright—11.

NOES—Senators Bell, Bills, Black, Boynton, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Larkins, Martinelli, Stetson, Strobridge, Thompson, and Walker—16.

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1552 finally passed by the following vote:

AYES—Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Cassidy, Cullen, Gates, Hare, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 803.—An Act entitled an Act to amend Section 594 of the Political Code relating to the classification of insurance and the capital stock insurance companies are required to have.

Read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 finally passed by the following vote:

Aves: Starling, Ave., Eagle, E.P.B.H., Emerald, Black, Baytown, Barnett,
Cassidy, Candy, Caton, Dumbell, Glass, Harper, Hester, Hart, Jallard,
Maffitt, Regan, Reisinger, Rose, Sisson, Stensberg, Thompson, Walker, and
Waters.

Nature News.

APPENDIX TO TABLE

Number of citations omitted for brevity as follows:

(46) page 1, from the title page and the first three words forming the words "An

Most ...

Bill ordered to print, and transmitted to the Assembly.

M. C. MILLER, JR., and G. E. COOPER, JR., *Chem. Eng. Prog.*, **41**, 11 (1941).

Assembly Bill No. 649. An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to such maps unless the same are recorded," approved March 15, 1907, by adding a new section thereto to be known as Section 10.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 828—An Act to amend Section 3493a of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Read that time

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 828 finally passed by the following vote:

Aves—Suttons, Rabin, Ray, Raymond, Reacht, Barnett, Campaelli, Cassidy, Curran, Eschbach, Hail, Hall, Johnson, M. Brown, Regan, Roscherry, Rush, Stetson, S. Smith, Walker, Wilson, and Wolfe—21.

Notho—None.

Read and approved

Bill ordered transmitted to the Assembly.

Assembly Bill No. 568.—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers employed by contractors upon state, municipal, or other public work," approved March 27, 1897.

Read third time.

The question being on the passage of the bill.

The bill was called and Assembly Bill No. 558 finally passed by the following vote:

AMES, Samuel, Baker, Bill, Bills, Buck, Boynton, Bryant, Caminetti, Campbell, Carter, Es., Gages, Haro, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Rosberry, Rush, Stinson, Strobridge, Welch, Wolfe, and Wright—25.

1911

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1148 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Caminetti, Campbell, Cullen, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LARKINS IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Larkins, of the Thirty-second District, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 finally passed by the following vote:

AYES—Senators Beban, Bell, Bills, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Gates, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Walker, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 refused final passage by the following vote:

AYES—Senators Beban, Black, Bryant, Burnett, Campbell, Cassidy, Cullen, Estudillo, Finn, Juilliard, Martinelli, Regan, Shanahan, Stetson, and Walker—15.

NOES—Senators Bell, Boynton, Caminetti, Gates, Hewitt, Holohan, Hurd, Larkins, Roseberry, Strobridge, Thompson, Wolfe, and Wright—13.

Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition, construction and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1177 finally passed by the following vote:

AYES—Senators Bell, Bills, Boynton, Bryant, Caminetti, Campbell, Cassidy, Cullen, Estudillo, Hewitt, Holohan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 2

A resolution to amend the Constitution of the State of California in accordance to Section 1 of Article IV of the Constitution of the State of California, as follows: "The Legislature shall have the power to amend the Constitution of the State."

Resolved by the Senate, the Senate concurring. That the Legislature of the State of California, in its regular session commencing in the second day of January, 1911, shall amend the Constitution of the State of California, in accordance to the provisions of the Constitution of the State of California, as follows: "The Legislature shall have the power to amend the Constitution of the State."

Section 1. The Legislature of the State of California, in its regular session commencing in the second day of January, 1911, shall amend the Constitution of the State of California, in accordance to the provisions of the Constitution of the State of California, as follows: "The Legislature shall have the power to amend the Constitution of the State."

The Legislature of the State of California, in its regular session commencing in the second day of January, 1911, shall amend the Constitution of the State of California, in accordance to the provisions of the Constitution of the State of California, as follows: "The Legislature shall have the power to amend the Constitution of the State."

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Bates, Bell, Black, Black, Boynton, Burnett, Caminetti, Campbell, Cassady, Cullen, Egan, Foss, Gates, Harbo, Hewitt, Holahan, Hurd, Juilliard, Lester, Marshall, Reed, Ross, Sebastian, Strobridge, Walker, Wolfe, and Wright—28.

NOES—Senator Roseberry—1.

Assembly Constitutional Amendment No. 2 ordered transmitted to the Assembly.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 892 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cassady, Cullen, Egan, Foss, Gates, Harbo, Hewitt, Holahan, Hurd, Juilliard, Marshall, Reed, Roseberry, Ross, Sebastian, Strobridge, Thompson, Walker, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Burnett, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Also, Senate Bill No. 1245—An Act to cede to the United States of America upon certain conditions and reservations certain lands in possession of the United States to which the State of California holds a tax title.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 730 and 1245 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as cases of urgency, Committee Substitute for Senate Bill No. 9—An Act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing, and making returns of the votes therefor, providing the method of notifying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

Also, Committee Substitute for Senate Bill No. 587—An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State of all amendments to the Constitution of the State of California proposed by the Legislature at its thirty-ninth session, commencing on the 2d day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the votes cast thereat.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitutes for Senate Bills Nos. 9 and 587 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one-half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Also, Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Committee Substitute for Senate Constitutional Amendment No. 5?"

On page 7, line 20, of the printed resolution, as amended in the Senate March 15, 1911, after the comma following the word "townships" insert the following: "or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law."

Also, On page 8, of the printed resolution, as amended in the Senate March 15, 1911, between lines 70 and 71, insert the following paragraph:

"The offices hereafter created by this Constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the places for which such persons shall be so elected or

The roll was called, and the resolution adopted, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES.—Senators Behan, Bell, Bills, Black, Beaton, Bryant, Burton, Caine, Hill, Cassidy, Curtin, Cutten, Estudillo, Fann, Gates, Harp, Hawley, Holobrad, Ward, Juillard, Larkins, Martinelli, Regan, Roscherry, Rush, Shamahon, Stinson, Strabridge, Thompson, Walker, and White, 30.

NOES.—None.

CASE OF URGENCY.

Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

During second reading of the bill, the following amendments were offered by Senator Curtin:

On page 1, Section 1, line 11, of printed bill, after the word "year", insert the following: "and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twelve million four hundred four thousand six hundred seventy dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the State for the sixty-third fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c, and d* of section fourteen of article thirteen of said Constitution, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of twelve million four hundred four thousand six hundred seventy dollars, then said State Board of Equalization shall in accordance with the provisions of subdivision *e* of said section fourteen of article thirteen of the Constitution of the State of California, between the first and second Mondays in September of the said sixty-third fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-third fiscal year the amount of said deficiency."

Amendment adopted.

Also:

In Section 2, page 2, line 11, of printed bill, after the word "year", insert the following: "and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the State for the sixty-fourth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c, and d* of section fourteen of article thirteen of said Constitution, together with all other state revenues other than those revenues required by law to be used for special uses, and said sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars, then said State Board of Equalization shall, in accordance with the provisions of subdivision *e* of said section fourteen of article thirteen of the Constitution of the State of California, between the first and second Mondays in September of said sixty-fourth fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November, in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-fourth fiscal year, the amount of said deficiency."

Amendment adopted.

Also:

Add a new section to said Assembly Bill No. 1587, to be numbered Section 3, to read as follows:

"SEC. 3. The taxes by this Act directed to be levied as provided for in subdivision *e* of section fourteen of article thirteen of the Constitution of the State of California shall for the sixty-third fiscal year be levied upon the assessed valuation of all the property in the State of California subject to taxation as said assess-

thereof a period, and strike out the words "and furthermore all", in line 16, strike out all of lines 17, 18, 19 and all of line 20.

We further respectfully recommend that the Assembly recede from Assembly amendments Nos. 24 and 25 to said Senate Bill No. 13, and we recommend in lieu of and for Assembly amendments Nos. 24 and 25 the following: On page 10, Section 9, line 1, of printed bill, strike out the words "or officers", and between the word "person" and the word "officer" insert the word "or".

We further respectfully recommend that the Assembly recede from Assembly amendments Nos. 30, 31, 32, 33, 34, and 35, and in lieu thereof we adopt and recommend the adoption of the following amendment to Senate Bill No. 13: On pages 17, 18, and 19, of the printed bill, strike out all of Section 14, and in lieu thereof to be numbered Section 14, insert the following:

"SEC. 14. The owner or holder of every franchise subject to taxation as provided in section five of this Act, shall within ten days after the first Monday in March in each year make a written report to the State Board of Equalization, signed and sworn to by the holder or owner himself if an individual or by one of the copartners if such owner or holder is a partnership or by the president or vice-president or the treasurer or secretary if the owner is a corporation, containing such a concise statement or description of every franchise possessed or enjoyed on said day by such owner or holder as the State Board of Equalization may prescribe; a copy of the law, grant, ordinance, or contract under which the same is held, or if possessed or enjoyed under a general law, a reference to such law, a statement of any condition, obligation, or burden imposed upon such franchise, or under which the same is enjoyed, and containing also:

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory, or county organized, the nature of its business, the location of its principal place of business, the names and post office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and post office address of its chief officer or managing agent in this State, and the names and addresses of all subsidiary companies whose property and business are operated by it.

2. The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, and the amount paid in thereon on the value of the property received therefor.

3. The funded and floating debts and the interest paid thereon, showing separately the debts of the operating company and of any subsidiary companies in this State on the thirty-first day of December last preceding.

4. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the State Board of Equalization shall prescribe.

5. The assessed value of its property as assessed for the current fiscal year in each county, city and county, and city in the State for the purposes of taxation, and if any property of such corporation be assessed and taxed outside of the State of California the place where assessed, the amount of such assessment and taxes there paid during such current fiscal year.

In case the company, person, firm, association, or corporation making such report can not or does not fairly and fully state the facts and matters contained in the foregoing subdivisions 1 to 5, inclusive, then such company, person, firm, association, or corporation must render an additional report containing the following matters, to wit:

6. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the State Board of Equalization may determine, those of the operating company and of each subsidiary company in this State to be shown separately.

7. The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such class of business as the state board may designate, to be reported separately; also, where the property and business are partly within and partly without this State, the gross receipts for said period on all business beginning and ending entirely within this State, and that proportion of the gross receipts from all business passing through, into, or out of this State, which the mileage within this State bears to the total mileage over which such interstate business is done as further defined in section seven of this Act.

8. The operating and other expenses.

9. The balance of profit and loss, between such periods as the State Board of Equalization may determine.

10. Such other matters as the State Board of Equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the Constitution of this State.

The State Board of Equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the

first Monday in March of each year thereafter, and shall recess and adjourn the first Monday in November with the adjournment of said session, and shall adjourn at 10 o'clock of the first Monday of each year.

We recommended that the Assembly amend (from Assembly Amendment No. 70 and amended and recommended in line of Amendment No. 70 to said Senate Bill No. 11) the following: In Section 11, page 11, line 40, to be inserted and after the word "meeting" insert the words "in November". Also to read Section 25, page 17, lines 41 and 42, of the printed bill, strike the word "Conference" insert the words "in Conference".

We also recommended the following amendments to Senate Bill No. 11. In Section 4, page 3, line 14 of the printed bill, strike out the word "hereinafter" and insert in its stead the word "Senate".

In Section 4, page 3, line 15 of the printed bill, strike out the words "the first paragraph of".

In Section 5, page 3, line 1, of the printed bill, strike the word "right" insert the words "within 30 days of the".

In Section 5, page 3, line 2, of the printed bill, before the word "right" insert the words "within 30 days of the".

In Section 5, page 3, line 3, after the comma following the word "within", insert the following: "after providing that such action be good law".

We also recommended that the title of the Act be amended as follows: After the word "corporation" insert the words "banks and insurance companies".

We respectfully recommend the adoption of the foregoing report of your Committee on Free Conference, and the adoption of the amendments proposed therein.

Respectfully,

BLACK,
THOMPSON
CURTIN

Committee on Free Conference of the Senate.

HELL,
SUTHERLAND
COGSWELL.

Committee on Free Conference of the Assembly.

March 26, 1911

Report read.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES: Senators Baker, Bell, Bess, Riker, Benton, Bryant, Barnett, Cummings, Cassidy, Curtis, Thompson, Price, Hildner, Hall, Lillard, Jackson, Martinelli, Ransom, R. Schreyer, Ross, Strawn, Sutherland, Thurston, Walker, West, and Wright—29.
NOES: None.

Senate Bill No. 11, and report of Committee on Free Conference, ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and twenty-five minutes A. M., on motion of Senator Bell, the President pro tem declared the Senate at recess until eleven o'clock and thirty minutes A. M.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened. Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—RESUMED.

Assembly Bill No. 536—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen

employed in such buildings from falling through joists and girders, and from falling bricks, rivets, etc.," approved March 6, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 finally passed by the following vote:

AYES—Senators Avey, Bell, Bots, Black, Boynton, Bryant, Cartwright, Cullen, Estudillo, Gates, Hewitt, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Walker, Wolfe, and Wright—21.

NOES—None.

Senator Regan moved to amend the title to read as follows:

An Act to amend an Act entitled "An Act to provide for temporary floods in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling beams, rivets, etc.," approved March 6, 1909, and to make the Act apply to buildings more than two stories high in the course of construction.

Motion carried.

Bill ordered to print, and transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Walker, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference on Senate Bill No. 13, An Act to carry into effect the provisions of Section four, part of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 13 ordered to enrollment.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1381 refused final passage by the following vote:

AYES—Senators Boynton, Caminetti, Cullen, Estudillo, Gates, Hewitt, Roseberry, and Shanahan—8.

NOES—Senators Pebear, Bell, Wills, Black, Bryant, Cartwright, Hurd, Martinelli, Regan, Strobridge, Thompson, Walker, Wolfe, and Wright—14.

Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social, and benevolent corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1116 finally passed by the following vote:

Ayes—Messrs. Hume, Bell, Ford, Hume, Thompson, Brown, Caminetti, Cullen, Estudillo, Gates, Hewitt, Hurd, Larkin, Martineau, Regan, Walker, Wolfe, and Wright—21.
 None—0.

Fail, read and approved.

Roll called and transmitted to the Assembly.

Assembly Bill No. 713—An Act to amend section one thousand and thirty-two of the Civil Code, relating to final divorce judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 713 refused final passage by the following vote:

Ayes—Messrs. Bell, Hurd, Stetson, and Wright—4.
 None—0.
 Senators—Bell, Hume, Houghton, Bryant, Cullen, Estudillo, Gates, Hewitt, Larkin, Martineau, Brown, Buckner, Stetson, Stoddard, Thompson, Walker, and Wolfe—21.

MESSAGE.

Senator Stetson handed the report of the Committee on Conference on Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors—to withdrawn.

Message received.

MEMBERS' SPECIAL PRESENCE FILE—RESUMED/.

Assembly Bill No. 585—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 585 refused final passage by the following vote:

Ayes—Messrs. Hume, Brown, Caminetti, Cullen, Estudillo, Larkin, Martineau, Regan, Stetson, Stoddard, Pyrrill, and Wright—13.
 None—0.
 Senators—Bell, Bills, Bryant, Caminetti, Cassidy, Finn, Gates, Hurd, Hewitt, Holahan, Hurd, Regan, Walker, and Wolfe—15.

REPORT OF SPECIAL COMMITTEE—OUT OF ORDER/.

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: Your Committee on Conference, concerning Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors—has the honor to report, and in the committee of the Assembly, consisting of Assembliesmen R. Stetson, J. Hume, and Benedict, and we report that the conference committee was unable to agree.

STETSON,
 WRIGHT,
 HEWITT,

Senate Committee on Conference.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he had appointed Senators Stetson, Hewitt, and Wright as a Committee on Free Conference on Senate Bill No. 925, to act with a like committee from the Assembly.

MEMBERS' SPECIAL URGENCY FILE—RESUMED

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1305 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Burnett, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Tyrrell, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1581 finally passed by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Caminetti, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Strobridge, Tyrrell, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1585 finally passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Bills, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levy of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections

to be held in such districts, and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1903, and the Act amendatory thereof, approved April 15, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1190 finally passed by the following vote:

AYES—Senators Ains, Bland, Bell, Bile, Black, Braggins, Bryant, Caminetti, Cassidy, Cutten, Egan, Fane, GAVE, Howell, Hurd, Jackson, Martinelli, Raper, Rossmore, Ross, Shattuck, Strickland, Thompson, Tyron, Walker, Wells, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—OUT OF ORDER

The following report of special committee was received and read:

ON CONSCIENCE

SENATE CHAMBER, SACRAMENTO, MARCH 26, 1911.

MR. PRESIDENT: Your Committee on Conference concerning Committee Substitute for Senate Bill No. 261, "An Act to amend that certain Act entitled 'An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,'" approved March 14, 1901, as amended by a certain Act approved March 19, 1909, by adding a new section, and amending certain parts of said certain Act relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and licensing certain classes and conditions thereof, persons who shall practice in said business, in relation to medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 134 hereby added thereto, report that we have met by the committee of the Assembly, consisting of Assemblymen Chandler, Gault, and Ross, and we agree that the conference committee agreed upon, and recommended that the Assembly resolve from sending amendments number one, and that the Senate concur in amendment number four.

HURD.

AVEY.

Senate Committee on Conference.

Report read.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bland, Bills, Black, Boynton, Bryant, Caminetti, Cassidy, Cutten, Fane, GAVE, Hurd, Howell, Hurd, Jackson, Martinelli, Shattuck, Strickland, Thompson, Tyron, Walker, and Wells—21.

NOES—Senator Rossmore—1.

Committee Substitute for Senate Bill No. 261, and report of Committee on Conference, ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—RESUMED.

Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1333 finally passed by the following vote:

AYES. Senators Avey, Bell, Black, Boynton, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—24.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1583 finally passed by the following vote:

AYES. Senators Avey, Bell, Black, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Finn, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Bills, Black, Boynton, Bryant, Caminetti, Cartwright, Cassidy, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—29.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 finally passed by the following vote:

AYES. Senators Avey, Behan, Bell, Bills, Boynton, Bryant, Caminetti, Cassidy, Cutten, Estudillo, Gates, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—26.

NOES. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 refused final passage by the following vote:

AYES. Senators Chamber, Churchill, Holden, Marshall, Stenson, and Wicks.
NOES. Senators Ains, Bell, Cramer, Cotten, Estadillo, Finn, Gust, Hans, Hewitt, Hunt, Latham, Raper, Scribner, Thompson, Wolfe, and Wright—23.

WITHDRAWAL OF BILL.

Senator Hunt asked for and was granted unanimous consent to withdraw Senate Bill No. 684—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1730, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Senate Bill No. 682 withdrawn, and ordered stricken from the file.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

My President, Your Committee on Free Conference, considering Senate Bill No. 924—An Act to amend section forty thousand and three one of the Political Code of California, relating to the general government powers of the board of supervisors—report that we have had a like committee of the Assembly, consisting of Assemblymen Roseberry, Finner, and Finner, and we report that the free conference committee agreed upon, and presented, that in line 252, page 2, Section 1, of the printed bill as amended by the Assembly, after the word "dollars," there be inserted the following: "the sum of five hundred dollars, inclusive of the sum of three thousand dollars," and that with this modification, the Assembly amendment to said bill be passed and adopted.

STETSON,
 HEWITT,
 WRIGHT.

Senate Committee on Free Conference.

Report read.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES. Senators Bell, Bell, Black, Rayner, Bryant, Cassidy, Estadillo, Finn, Hans, Hewitt, Hunt, Latham, Marshall, Raper, Roseberry, Rush, Stenson, Strobber, Thompson, Tyness, Walker, Wolfe, and Wright—23.
NOES. None.

Senate Bill No. 925, and report of Committee on Free Conference, ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 46.

A resolution to propose to the people of the State of California an amendment to ~~section eighteen of~~ article four of the Constitution of the State of California in relation to the impeachment of state officers and judges.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting, propose and amend article four of the Constitution of the State of California shall be amended to read as follows:

Section 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, judges of the District Courts of Appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office: but

judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Assembly constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 46 adopted by the following vote:

AYES—Senators Avey, Beban, Bills, Black, Boynton, Bryant, Cassidy, Cutten, Estudillo, Finn, Hare, Hewitt, Holohan, Hurd, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—27.

NOES—None.

Assembly Constitutional Amendment No. 46 ordered transmitted to the Assembly.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5, and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 703 finally passed by the following vote:

AYES—Senators Bills, Black, Bryant, Cassidy, Cutten, Estudillo, Finn, Gates, Hewitt, Holohan, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 1095, 1580, 1582, 1574, 744, and Assembly Joint Resolution No. 19 for consideration, out of order.

Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section, relating to the duties of teachers in schools where no examining staff is employed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1095 refused final passage by the following vote:

AYES—Senators Caminetti, Cutten, Estudillo, Hewitt, Holohan, Rush, Strobridge, Thompson, and Tyrrell—9.

NOES—Senators Beban, Bell, Bills, Black, Boynton, Cartwright, Gates, Hurd, Larkins, Regan, Stetson, Walker, Welch, Wolfe, and Wright—15.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 744 finally passed by the following vote:

AYES—Sellers, Bolls, Bryant, Caminetti, Cortwright, Cassidy, Cotton, Estudillo, Gaine, Higgins, Holden, Hunt, Larkins, Regan, Rosberry, Rush, Sisson, Strobridge, Thompson, TITMUS, Welch, Wolfe, and Wright—22.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1480—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1480 finally passed by the following vote:

AYES—Sellers, Ains, Hunt, Hunt, Bryant, Brown, Caminetti, Cassidy, Cotton, Estudillo, Gaine, Higgins, Holden, Hunt, Larkins, Marinelli, Regan, Rosberry, Rush, Sisson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—21.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1481—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1481 finally passed by the following vote:

AYES—Sellers, Ains, Bolls, Bolls, Bryant, Caminetti, Cassidy, Estudillo, Gaine, Higgins, Holden, Hunt, Marinelli, Regan, Rosberry, Rush, Shanahan, Sisson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—24.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1484—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1484 finally passed by the following vote:

AYES—Sellers, Ains, Bolls, Bolls, Bryant, Caminetti, Cortwright, Cassidy, Estudillo, Gaine, Higgins, Holden, Hunt, Larkins, Marinelli, Regan, Rosberry, Rush, Sisson, Strobridge, Thompson, Tyrrell, Walker, Welch, and Wright—27.
 NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the State government for the sixty-third and sixty-fourth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1587 finally passed by the following vote:

AYES—Senators Avey, Black, Boynton, Bryant, Caminetti, Cartwright, Curtin, Cutten, Estrudillo, Gates, Hewitt, Holahan, Hurd, Juilliard, Martinelli, Regan, Roseberry, Rush, Shanahan, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—26.

NOES—Senator Larkins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 19.

Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorces shall be established by Federal statute and divorce proceedings heard and determined in the Federal courts, and by uniform law throughout the United States.

WHEREAS, The number of divorces throughout the United States has been increasing during the past fifty years at an alarming rate and under the present system, there is no uniform law covering this subject in the several states; and

WHEREAS, At the present time the several states are operating under laws so entirely divergent that the legitimacy of children is often made a serious question, and property rights are frequently uncertain; and

WHEREAS, The question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States and that such law should be so safeguarded that fraudulent divorces can not be secured; now, therefore, be it

Resolved, That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Assembly joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Bell, Black, Boynton, Bryant, Caminetti, Cartwright, Cutten, Estrudillo, Gates, Hewitt, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, and Wolfe—24.

NOES—None.

Assembly Joint Resolution No. 19 ordered transmitted to the Assembly.

Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1574 finally passed by the following vote:

AYES—Senators Avey, Bohan, Bell, Black, Boynton, Caminetti, Cassidy, Curtin, Cutten, Estrudillo, Finn, Hewitt, Holahan, Hurd, Juilliard, Larkins, Martinelli, Regan, Roseberry, Rush, Shanahan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Stetson, the following messages from the Assembly were taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1285—An Act making an appropriation for the

purchase and possession of land and mineral and timber, and improvements for the State, Private, Public, and Military; and settling the claims of the Spanish and of Spain, Mexico, Russia or Louisiana, Spain, California, and State Lands, and other lands.

Also: Senate Bill No. 1288.—An Act appropriating and transferring money from the General Fund to the State Deposit Fund, to reduce the expense of the Tag-Board, and directing the State Comptroller and State Treasurer to make collections.

A new Series IIII No. 970-Yr A-1 is shown Sections 67.85 and 67.86 of the Creek. Covering to top grade.

[illegible][illegible][illegible]

As a source of information on the use of the *Polynomial Code*, the *Polynomial Code* is used in the *Polynomial Code* to generate the *Polynomial Code* for the *Polynomial Code*.

Also Senate Bill No. 1020.—An Act to amend section three hundred fifty-two

[illegible]

"...the ss. school for the purpose of disposing of their proceeds," as amended March 9.

AN ACT TO ENFORCE THE ACT entitled "An Act to enforce the observance of the Sabbath day, and providing penalties for violation of the Act," passed March 24, 1905, and as amended March 4, 1907, by the Legislature of the State of New York, and as amended Section seven and three fourths.

APPROVED FOR THE STATE BOARD OF EQUALIZATION

for the taxation of public service and other corporations, all relating to revenue and taxation."

—An Act to provide for the reimbursement of
in net loss of revenue by the withdrawal of rail-
the provisions of section fourteen of

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Bills Nos. 1285, 1288, 202, 217, 735, 909, 1054, 1099, 1177, 691, 735, and 1052 ordered to enrollment.

1100

ASSEMBLY CHAMBER, SACRAMENTO; March 26, 1911.

MR. PRESIDENT: I wish to inform your honorable body that the Assembly Chamber, Sacramento, March 10, 1911.

State of California does hereby make application to the Congress of the United States to call, in the immediate future, a constitutional convention of the people of the United States for the purpose of proposing, for ratification, amendments to the Constitution of the United States, authorizing the several states to provide by law for the election of Senators of the United States by a direct popular vote.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Joint Resolution No. 25 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 303. An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county, or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

Also: Senate Bill No. 703. An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1046. An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Also: Senate Bill No. 1137. An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

And respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 303?"

AMENDMENT No. 1.

On page 2, Section 2, line 12, strike out the words "in writing".

AMENDMENT No. 2.

Strike out, on page 2, all of Section 4.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 303 by the following vote:

AYES. Senators Avey, Bohan, Bell, Black, Boynton, Brvant, Caminetti, Cartwright, Cassidy, Escondido, Finn, Gates, Hewitt, Hobbs, Hard, Juddard, Martinetti, Regan, Roseberry, Rush, Shandhan, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES. None.

Senate Bill No. 303 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 703?"

AMENDMENT No. 1.

On page 1, line 3, of the title of the amended printed bill, strike out the words "and the fishing for salmon or trout with rod and line".

AMENDMENT No. 2.

On page 1, Section 1, lines 3, 4, and 5, of the amended printed bill, strike out the words "or any person who, over the age of 21 years, fishes for, takes, catches or kills any salmon or trout with rod and line".

Also: Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Also: Senate Bill No. 610—An Act to amend Section 1545 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Also: Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also: Senate Bill No. 1096—An Act to amend Sections 1075, 1077, and 1078 of the Political Code, relating to boards of election commissioners, and providing for clerks and secretaries of such boards.

Also: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Bills Nos. 51, 124, 208, 409, 610, 1037, 1053, 1096, and 1282 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 27—Relative to requesting the Secretary of the Interior to continue selections of land to the State of California.

L. B. MALLORY, Chief Clerk of the Assembly.

Senate Joint Resolution No. 27 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Also: Senate Bill No. 1223—An Act to amend Section 626½ of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

L. B. MALLORY, Chief Clerk of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909—and respectfully ask that the amendments be concurred in.

L. B. MALLORY, Chief Clerk of the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 492?"

Strike out the word "three" wherever it appears in the printed bill, and insert in lieu thereof the word "two".

that Paul Morton's services to society were worth two hundred million dollars? He did not add to the aggregate wealth of the nation. He gained his wealth in stock manipulations and in the promotion of corporations. He rendered little or no service to society.

Mr. President, if you had a salary of one dollar a minute, which in round numbers would amount to five hundred and twenty-five thousand dollars a year, and if you used twenty-five thousand dollars a year for your living expenses—and I confess that is more than I expend annually in our family, perhaps more than you spend, notwithstanding you are reputed to be a wealthy man—and if you saved the five hundred thousand dollars a year and deposited it year by year in some safe place, where moth could not corrupt nor rust decay, and allowed it to accumulate, it would take you four hundred years to accumulate two hundred millions of dollars. Paul Morton could never have rendered that much service to society, and under a just system of distribution would not have been permitted to absorb so stupendous a fortune.

Take the case of Rockefeller. His wealth has been variably estimated at from five hundred millions to a billion and a half. Taking the middle point, and assuming that he was worth one billion dollars, it would take you two thousand years at the rate of five hundred thousand dollars per year net, to accumulate a fortune equal to that of Rockefeller. Viewing this fortune from another angle, Mulhall, the great English statistician, in one of his statistical works, says that if the wealth of the United States were divided equally among the people, each man, woman and child would have \$1250. In other words, the average family of five would be worth about seven thousand five hundred dollars. I would have you understand that I do not advocate, nor believe in, the equal distribution of wealth. Some men deserve more than others, and I know some very rich men who have rendered no service to society and who ought not to have a cent. But for the purpose of making the calculation easy, let us assume that the wealth of the country, divided equally among its inhabitants, would give ten thousand dollars to each family of five, and we discover that Rockefeller has absorbed the fortunes of one hundred thousand families, which in plain language means that in order to create one Rockefeller we must reduce one hundred thousand American families to penury and want. I say his bald head isn't worth the price and that, under a just system of distribution, no such fortune could have been built up. He has become a nuisance to himself and a menace to free government.

About two years ago, and before the death of Edward H. Harriman, I was engaged in promoting a corporation to build a railroad from Fresno to Coalinga. I went to the most influential men in our community and endeavored to interest them in the enterprise. Among others, I called upon one of the most prominent bankers of the city of Fresno, placed our plans before him, asked him to subscribe to the capital stock and urged him to go on the board of directors, and if he had the time, I told him that we would be glad to have him serve as president of the company. In reply, he said: "Have you stopped to consider that you can not build this railroad without the consent of Harriman?" I told him I had thought about that, but that I believed an arrangement could be made by which the road could be built, and he replied: "I want to tell you why I referred to the necessity of getting Harriman's consent. Some years ago Gould undertook to promote and build the Western Pacific Railway. It has been Gould's lifelong ambition to secure a transcontinental line connecting New York with San Francisco, with tributaries leading into the Sacramento and San Joaquin valleys. Within the last year, Rockefeller called Mr. Gould into his office (and when I say Rockefeller, I mean the Rockefeller group of financiers, including Harriman, Morgan, Morton and others). Rockefeller told Mr. Gould in plain language that he would have to abandon the Western Pacific enterprise; that he would not be permitted to tap the San Joaquin and Sacramento valleys. Mr. Gould replied that he had already expended many millions in the enterprise, and that he would have to continue. Rockefeller said 'You ought to have consulted us before you made the outlay.' Rockefeller went further, and said that he and his associates would break Gould up in the railroad business if he did not abandon the Western Pacific. Gould was defiant. He had always managed his own business and intended to continue.

"The Rockefeller interests, having the main feeders to the Denver & Rio Grande (Gould's best paying line), promptly tied up the traffic on the Denver & Rio Grande, and routed all shipments possible over other lines. Gould was confronted with a loss of thousands upon thousands of dollars daily. He saw bankruptcy staring him in the face, unless he could make his peace with Rockefeller, and so they took Gould into camp."

The Fresno banker also predicted that the Goulds would retire from the railroad business. That prediction was made two years ago, and if we may credit newspaper reports, the prophecy has been fulfilled within the last six months. The banker continued: "I want to call your attention to another matter in which I was personally interested, to show the power of the Rockefeller interests. Some years ago, while living in New York, in company with some New York capitalists, I investigated the cost of the manufacture of steel, and discovered that steel could be manufactured and sold at a profit at six dollars a ton, in the form of steel rails and structural steel.

I also discovered that the world will sell to Japan, Mexico and Canada at sixteen dollars a ton, and that owing to the government tariff we could sell steel in the United States at five cents a ton, or twenty-five dollars per ton. After a most searching investigation, we concluded that the manufacturers of steel offered a most inviting field for investment, and we commenced the promotion of a corporation for that purpose. We got some success. We had no difficulty in getting subscriptions, but as search was made for a suitable New York, we asked us if we had contacted R. B. Johnson. We told him that we had not and he said that we had better contact R. B. Johnson before entering in the project. Then he invited an experience at our own steel plant. He said that he is already with some twelve other companies in New York City, and that the steel investigation that we had done. They told me that the steel industry would be transformed and sold as a piece of the nation a year and that the steel industry presented a splendid opportunity for investment. They presented their company and incorporated the same in a corporation. The same project was eventually successful.

[illegible][illegible]

"Remember," said he, "that back when they were
flying over the mountains, we saw the big black mountain and said to him: 'I under-

On the subject of the bank's computer in Pittsburgh, the bank's spokesman said that the bank's computer had disclosed that the bank's computer in the Washington offices had the bank's computer withdraw from the account of the bank's computer, and would no further handle the account.

[illegible][illegible][illegible]

it would all end, and he said that unless this not end until the Government of the United rotation, under one man's control.

I insisted that we had no labor question, and that when the millionaire question was solved, we would solve the labor question. Last week, in discussing the so-called

compulsory arbitration bill I said, and I repeat, that it is the old, old struggle that began with the commencement of society, from the time when men first associated themselves together for mutual protection and benefit, driven together by the wants and the fears of the individual, which one writer has described as the "warp and the woof" of social fabric, driven together by a realization of the weakness of one and the strength of the many, there have been selfish and designing men who have made it their chief business to get the best of their neighbors, and in the struggles incident to human life they have managed to take the long end of the pole, and to give their neighbors the short end.

From the beginning of the world, man has sought dominion. There is an inborn greed and lust of power, undiminished by the refining influences of civilization, and so there came about a universal conflict among men. It was the struggle of the man who makes against the man who takes, a contest between the man who creates the wealth and the man who accumulates that wealth, a struggle between the man who renders the service and the man who reaps the reward. It is a struggle that began before Moses was hidden in the bulrushes on the banks of the Nile, and has come down to us raging through the centuries to the present day and hour.

In the commencement, it was fought out with swords and staves and rude instruments of warfare, but with the refinement of civilization came the invention of gunpowder and firing arms, and men could deal death at greater distances. In the old days the contest was waged with physical force, in these later years men have substituted cunning. In the middle ages a petty lord made war upon his neighbor, and the victor appropriated the property, usually the liberty, and not infrequently took the life of the vanquished. We no longer permit men to take property by force, unless upon such a stupendous scale that the enterprise may be dignified by the name of war. If a man attempts to take another's property by force, we charge him with highway robbery and put him in jail, but the struggle still rages; it has merely changed its form. Men still have the lust for power, but they have discovered that wealth is the greatest source of power. The kings and potentates of the earth bow down and worship at the throne of Mammon. No ruler dares make war until he has consulted the Rothschilds or J. P. Morgan. The great financiers of today are the lineal descendants of the robber barons, but they have substituted cunning for force. They no longer rely on the sword and the bayonet. They place their sole dependence upon a superior knowledge of the financial game. They shake the dice, and the dice are loaded.

It has been said that the world is ruled by the band box, the ballot box and the cartridge box. With all due respect to the ladies, I hope the band box may never grow larger. May the cartridge box be relegated to the age of barbarism out of which it sprang and to which it belongs. May the ballot box grow in purity and in power until it enables an enlightened people to crystallize their will into public law.

Aside from the economic evils of swollen fortunes, which absorb the wealth of the many for the benefit of the few, and by which we are constantly tearing down modest little cottages, building a marble palace on the one side and thousands of hovels upon the other, the centralization of wealth has a tendency to lower the moral standard of our people. We have lost our sense of proportion. We do not estimate men by their moral and intellectual worth, but by the number of dollars they have accumulated. Great wealth, however acquired, is too often the open sesame to the inner circles of society. We do not attack wealthy men as such, nor do we propose to assail honest accumulations. Wealth honestly acquired must be protected. Wealth honestly acquired will be honestly used, and no harm will result from it. Wealth acquired by dishonest manipulations will be dishonestly used. So we find the corrupting influence of wealth dishonestly gained and dishonestly used in the affairs of the body politic. Whether it be true or untrue that our Government has become estranged, the confidence of the people in the integrity of our Government has been shaken. There are many instances of bribery in state legislatures. In some cases, they have tainted the judiciary. Congress at one time became so notoriously subservient that a brilliant writer denominated it the "charnel house" of American liberty. The process of bribery is not always direct, in fact it is usually indirect, and the indirect form of bribery is more dangerous because the more insidious.

Big business furnished the campaign fund of the Democratic party until 1896, when the great commoner of Nebraska drove the money powers from the Democratic temple and they have contributed to the Republican national campaign fund to this day. Behold, the spectacle of great and glorious political parties, posing themselves upon their purity, and pledged to serve the interests of the poor people, going out to our taskmasters for money with which to conduct their campaigns.

So much for the great overshadowing evil now for the remedy. We will all agree that prosperity is a desideratum. Not prosperity for one and poverty for the many, but a widespread and as nearly universal prosperity as can be obtained under a just system of distribution. Twenty-one members of this body are lawyers. In the perusal of Blackstone, you will probably remember that he said "The prosperity and happiness of the community depend not so much upon the aggregate wealth, as upon how generally that wealth is distributed among the people of the community." And upon this question I want to lay down two or three very simple rules, or principles, which to my mind are axiomatic. Prosperity walks on two

ings, and such big power to strong and healthy. Personally I am in favor of production and distribution. If we produce enough eggs, and these are distributed among the people in the most judicious manner, possibly the wisest, that if we do not produce enough eggs, or if we produce them and fail them to have such a happiness without distributing them to those who need them, there is no production. And so with all our production and abundance of life. So I say again this only, that whatever tends to increase the production of the individual and the people and the country (the world) be lessened, if it does not cause destruction, and waste, and loss to enough to overcome the gains of production, and to make the distribution more general, is beneficial. If it does not increase production. The problem of America is not the problem of production. One of the problems of production. Moreover the question is, when I have referred, given the United States would the one third of the production of eggs of the world. We have less than one third of the production of the world. To other people the quantity in America might be more wealth in eggs produced in our country in the world. We have produced an abundance. There ought to be no loss in America increasing money but unfortunately, the selfish and the selfish. God against her, but she has made a lot. All around her world of eggs, and the only thing, which could have an attempt to become money more or less. Our problem therefore is, how can we increase production without making production.

[illegible]

My plan is the simplest and most equitable of this tax, which of course must be borne by the consumer. It is a schedule of unit taxes, the rates to be given here merely for illustration. The first ten thousand dollars of the unit will be taxed at the first ten thousand dollars of the unit, and the tax will be five per cent; on the third ten thousand dollars of the unit, the tax will be fifteen per cent; on the fourth ten thousand dollars of the unit, the tax will be twenty per cent; on the fifth ten thousand dollars of the unit, the tax will be twenty-five per cent; on the sixth ten thousand dollars of the unit, the tax will be thirty per cent; on the seventh ten thousand dollars of the unit, the tax will be thirty-five per cent; on the eighth ten thousand dollars of the unit, the tax will be forty per cent; on the ninth ten thousand dollars of the unit, the tax will be forty-five per cent; on the tenth ten thousand dollars of the unit, the tax will be fifty per cent; on the eleventh ten thousand dollars of the unit, the tax will be fifty-five per cent; on the twelfth ten thousand dollars of the unit, the tax will be sixty per cent; on the thirteenth ten thousand dollars of the unit, the tax will be sixty-five per cent; on the fourteenth ten thousand dollars of the unit, the tax will be seventy per cent; on the fifteenth ten thousand dollars of the unit, the tax will be seventy-five per cent; on the sixteenth ten thousand dollars of the unit, the tax will be eighty per cent; on the seventeenth ten thousand dollars of the unit, the tax will be eighty-five per cent; on the eighteenth ten thousand dollars of the unit, the tax will be ninety per cent; on the nineteenth ten thousand dollars of the unit, the tax will be ninety-five per cent; on the twentieth ten thousand dollars of the unit, the tax will be one hundred per cent. The tax will be progressive, and the ratio of progression, to be determined by the government, will be one per cent for every ten thousand dollars of the unit.

As I have said, I exempt the first fifty thousand, perhaps more, but I tax the rest for the purposes of illustration. I should tax the next fifty thousand at 5 per cent, the fourth fifty thousand at 10 per cent, and the fifth 15 per cent. The percentage of taxation increases in steps, so that the primary object of this law is to increase the power of distribution, and that the secondary object is to add security to the main purpose. The law is not so high to adopt in the original law, but it is a step in the right direction. The acts of Congress, in order to do this, are not so sudden.

... among students of political science, a tendency to go where the water is, and to be drinking away and absorbing it, without any thought of return. Just as the water of the earth is being poured out, and the earth is becoming an arid desert, so the water of the earth and the money of the earth are being poured out, and the earth is becoming a vast desert in which there could be found no water, and no money. The money centers must finally impoverish the world.

But nature is wiser than we. She has pointed the remedy. She has given us an example. God Almighty set the sun in the heavens. Its rays beat upon the bosom of the ocean and the vapors rise. Air currents carry them over the land, they are condensed and precipitated in the form of rain, snow and hail, and the land is watered and refreshed. So when we see an income piling up wealth mountain high, let us increase the heat of the sun; let us stimulate evaporation by applying the graduated tax and increasing the forces of distribution. The English commissioners sent to India to study the cause of the failure of the indigo plantations—plantations that had yielded magnificent returns largely through irrigation—after years of study, reported that it was caused by irrigation. The lands were flat, and where irrigation is in constant use for many years, the lands will sour or become saturated with salts and alkali, and ultimately lose their fertility. They declared that the only remedy was to establish a comprehensive system of drainage, coextensive with the system of irrigation.

Now, that is just what we want to do with these enormous fortunes. We want to establish a drainage system that will be almost coextensive with the income. Down in Fresno County in some places we have hog wallow lands. The land is fertile enough, but it is so rough, so full of knolls and holes, as to be useless for all practical purposes; but the farmer understands his business; he takes four horses and a buck scraper, scrapes the top off the knolls, dumps it into the holes and levels off the land. Then he plants his vines or trees, or alfalfa, and reaps a splendid return upon his investment. But nature has set us another example. You have heard that nature abhors a vacuum. Let me tell you that nature also abhors an unjust inequality. When the machinery of nature becomes disordered she may throw up a mighty mountain range, with rocky cliffs and deep gorges, but when the convulsion of nature has subsided, she immediately sets about to repair the injury. She sends the snows and rains, and they descend upon the rocky heights, and the processes of disintegration commence and continue until the mountain range is worn away and leveled down. Geologists tell us that the Appalachian system of mountains was at one time forty thousand feet in height, but the rains and the snows descended upon their lofty summits and by the processes of disintegration, erosion, transportation and deposit of the detritus, the mountains were leveled down and the valleys were filled up, until to-day we western men, accustomed to higher mountains, look upon them as undulating hills, enclosing peaceful valleys, dotted with happy homes, where American boys and girls are preparing for citizenship.

Let us profit of the example kind nature has set. Let us increase the evaporating forces. Let us strengthen the leveling forces. Let us take lessons from the Fresno farmer. Let us scrape off the top of these mountains of wealth and fill up the valley of despair and the slough of despond.

Such a system of taxation would supply an enormous revenue from those best able to bear the burdens of government. It would furnish a sufficient fund to build magnificent roadways connecting the larger cities of the Union. Public buildings more splendid than any in the world would be within easy reach. A glutted labor market could be relieved at any time by extending public improvements so as to absorb surplus labor in times of stress, and serious financial depressions would be a thing of the past.

At the present time, the financial ladder is upside down. The first round is out of the reach of the ordinary man; only the tall man, the active man, can reach the first round and get a start in life. The door of opportunity is closed to the average man. Only two classes can possibly succeed—those who are far above the average in strength of body or of mind and those who embrace an accidental opportunity. One man may stumble over a fence rail and discover a gold mine, and another may do the same thing and break his leg. We are not attempting to reach these accidental and unusual cases. After a man reaches the first round in the financial ladder he finds it much easier to reach the second round, and easier yet to reach the third round, and as he mounts the financial ladder, the grounds come closer and closer together until the wealthy reaches in, in spite of the man and with all of his dissipation and prodigality, he finds himself unable to spend his income. Fortune-hunting might be compared to Rabelais' description of the study of the law: "Sleep and roisime in its first approaches, but ease and delight in its superior ascent and whose top is crowned with a rich and lasting verdure."

Let us reverse the ladder so that the first round may be the easiest to reach and higher rounds harder and harder to reach. Let us render it almost impossible for any man to grow so rich as to be a menace to free government.

Why should we allow one man to have so great an advantage over another? If he had earned it and if he had rendered a service to society equivalent to it no one would complain, but these enormous fortunes do not represent service rendered to society. I remember in my school days, when we boys ran foot races, we let one start at the scratch, we let a faster slower man have ten feet the advantage, and another perhaps fifteen feet. Why should we not handicap the too powerful man in the business world?

It has been objected that this can not be done without amending the Constitution. Well, we amended the Constitution to give political liberty to the black slave, and we not amend it again in order to give industrial freedom to the white slave?

family and the servants, and to prevent these quarrels and dissensions a more rational system of disposing of the property of the deceased has gradually developed, but there is no natural right, or one that can be found in reason, to justify the present law of descent. Take two little children five years of age, one the child of a millionaire, the other the child of a pauper. Neither has rendered any service to society. Both have been burdens to society. Their respective conditions were due to no fault or virtue of either, yet one goes out into the world penniless while the other inherits a million dollars. One is handicapped in the struggle of life, the other has a tremendous advantage without having done anything to secure it. Yet under the law proposed in this resolution, we do not suggest that the million dollars be taken away from the one; we only propose to reduce the handicap and to prevent it from growing in proportion with succeeding years. We want to give the child of the poor man a little better chance in life.

This plan may be an innovation, but the invention of labor-saving machinery, its appropriation and absorption by monopolies, the marvelous improvement in the means of transportation, communication and exchange, coupled with the extension of the corporate control of wealth, has within the past few years rendered the centralization of wealth easier of accomplishment and more gigantic in its extent than ever before in history. A new problem is presented to the statesmen of the age. Centralization of wealth is the child of monopoly. We must either regulate monopoly, by which centralization is effected or we must destroy monopoly and prevent centralization altogether. Regulation has proven to be impossible. The "regulated" is more powerful than the "regulator"; the regulator succeeds only in stirring up trouble and contributing to petty annoyances, with no apparent effect upon the final results. We have heard it said that the power to tax is the power to destroy. Let us exercise this power and destroy monopoly rather than enter upon a futile and feeble effort at vexatious regulation.

The doctrine I advocate is a popular doctrine. I am here to-night revealing a political secret, telling you how you may be re-elected. I began to preach this doctrine to the people of Fresno county sixteen years ago. I am a Democrat, living in a Republican county. During all those years I have told the people of my county that I believed in this doctrine. In campaign after campaign I made speeches advocating this doctrine, and told them if they believed in it, I wanted them to vote for me, for they would help me to advance the principles involved. Year after year they have responded to that invitation. Strong men have been nominated against me, yet my minorities have increased. Four years ago I ran for the State Senate against one of the most prominent Republicans in the State. My district was strongly Republican. I preached this doctrine; I told the people that my election would advance the doctrine, and I was elected by a substantial majority. Last fall I was renominated, ran against a man whose record was unimpeachable, a man who had been five times elected to the Assembly, always beating his Democratic opponent. The registered Republican majority was 2,751 and yet I beat this strong Republican opponent by nearly fifteen hundred. If any of you want to be re-elected, take this speech, improve it, commit it to memory, use it constantly during your campaign.

It has been my mission during the last ten years to assist in breaking down a false party pride that has kept men apart who ought to stand together. Where is the foundation for party pride? Is any Democrat proud of his party during the time of President Buchanan, or of the last dozen years of its power before the war? If I read history correctly, the party organization yielded to all the corrupting influences of the time. It is true that back in the time of Jefferson the Democratic party promulgated the doctrine of "equal rights to all and special privileges to none," and for a time it lived up to that doctrine, and during Jackson's time accomplished some things worth while, but the virtues of its early days are insufficient to justify a party pride in view of its later history.

I can find no good reasons for Republican pride. It is true that in the early sixties they struck the shackles from the limbs of the slaves, and enabled Robert Ingersoll to exclaim, that "for the first time in all the world the heavens bowed down and dined a land without a scull, a bondman, or a slave." Then they passed the Homestead law and the Preemption Act. Then they said, "I haven't done anything in the interest of the people since." The president of the Republican Club in Fresno last fall, tired with that same sense of false party pride of which I was once possessed, declared that the history of the country for the past fifty years was nothing more nor less than a history of the Republican party. He spoke the truth. There is no Federal law in force that has not been placed upon the statute books by the Republican party during the past fifty years, or allowed to remain there, with their consent and acquiescence. During that period whatever of good can come from government must be credited to the Republican party, and whatever of evil or of neglect that party must stand sponsor for. Fifty years ago, when the Republican party took charge of the Government, our coal fields were in process of development. Our oil fields were undiscovered. The iron industry was in its infancy. The Western forests were untouched by the woodman's ax, and a vast area of fertile land stretched from the Mississippi to the Pacific Ocean almost uninhabited. Fifty years ago there was but one family of millionaires in the

IN SENATE.

SENATE CHAMBER.

Monday, March 27, 1911.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Avey, Baban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Sunday, March 26, 1911, the further reading was dispensed with, on motion of Senator Rush.

SUSPENSION OF RULE.

Senator Strobbridge moved that No. 63 of the Standing Rules of the Senate be suspended for the day.

Motion duly seconded, and carried.

MOTION.

Senator Boynton moved that Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,—be recalled from enrollment.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Boynton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference on Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

L. B. MALLORY, Chief Clerk of the Assembly
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 13 ordered to enrollment.

Also: Senate Bill No. 1150. An Act to amend an act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 29, 1905, by adding a new section thereto, relating to the property and indebtedness of territory annexed to incorporated towns and cities.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 26th day of March, 1911, at five o'clock and thirty minutes P. M.

CASSIDY, Chairman

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 27, 1911.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

Charles Mayo, of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, vice I. N. Hibberd, term expired.

E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, vice self, term expired.

H. Z. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, vice self, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

HIRAM W. JOHNSON,
Governor of California.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended, and that the message from the Governor be considered without reference to Committee on Executive Communications.

Motion carried.

CONFIRMATION OF APPOINTMENTS BY GOVERNOR.

The President put the question, "Will the Senate advise and consent to the appointment of Charles Mayo, of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, vice I. N. Hibberd, term expired?"

The roll was called, with the following result:

AYES—Senators Beben, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cassidy, Gates, Hare, Hare, Juilliard, Martinelli, Regan, Rush, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—22.

NOES—None.

Whereupon, the President announced that the appointment of Charles Mayo, of San Francisco, a member of the Board of Pilot Commissioners for the harbors of San Francisco, Mare Island, and Benicia, vice I. N. Hibberd, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Beben, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cassidy, Gates, Hare, Juilliard, Larkins, Martinelli, Regan, Rush, Sanford, Shanahan, Stetson, Strobridge, Welch, Wolfe, and Wright—22.

NOES—None.

Whereupon the President announced that the appointment of E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the harbors of San Francisco, Mare Island, and Hercules, term expired, had been duly confirmed.

The President put the question: "Will the Senate advise and consent to the appointment of H. T. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Hercules, term still unexpired?"

The roll was called, with the following result:

AYES—Messrs. Baker, Bell, Ditt, Edwards, Evans, Hendon, Johnson, Lusk, McCall, Campbell, Cassady, Clark, Hays, Hays, Jackson, Jenkins, Martinelli, Regan, Rush, Sanford, Stewart, Walker, Wells, and Wright—24.
 NOES—None.

Whereupon the President announced that the appointment of H. Z. Hinckley, of San Francisco, a member of the Board of Pilot Commissioners for the harbors of San Francisco, Mare Island, and Hercules, term still unexpired, had been duly confirmed.

REPORT OF FINANCIAL COMMITTEE

The following report of standing committee was received and read:

ON CURRENT EXPENSES

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: Your Committee on Current Expenses, to whom was referred the following resolution:

"Resolved: That the sum of seven hundred dollars be, and the same is, hereby authorized and directed to be paid out of the contingent fund of the Senate to the order of Walter N. Burnett, Secretary of the Senate, for services of clerks, and for the purchase of supplies, printing, and binding printed after final adjournment, a final meeting to the next first business of the following session, said meeting to receive a list of all new members, their addresses, and the number that may become absent, those that have been tried & sentenced, and any and all such other information as will assist & assist guide and assist of the session's business, and further for information concerning the expenses of both branches of the Legislature during the following session."

HAVE had the honor, under consideration, and respectfully report the same back, and recommending that it be passed.

BURNETT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baker, Bell, Bick, Bicknell, Black, Boynton, Burnett, Campbell, Cassady, Clark, Hays, Hays, Jackson, Jenkins, Martinelli, Regan, Rush, Sanford, Stewart, Walker, Wells, and Wright—23.
 NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Committee on Conference on Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—presented the following report, which was adopted:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Conference, to whom was referred Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal

Code of the State of California, all relating to the protection and preservation of fish—now leave to report that we have not a like committee from the Senate, consisting of Senators Walker, Cutton and Bredson, and we recommend that the Assembly recede from Amendment No. 21 to said bill, and we have agreed thereto. This concession is agreed to without deciding the question of the accuracy of the tide line designated in said amendment, and because we believe that the entire fate of said bill depends upon the fact that the Assembly will recede. We believe that if the Assembly does not recede, the bill will be defeated, and therefore recommend that the Assembly do recede from said Amendment No. 21 to said Senate bill.

JASPER,

GUTH,

HEAD,

Committee on Conference from Assembly.

CUTTEN,

BREDSON,

WALKER,

Committee on Conference from Senate.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Bill No. 635 ordered to enrollment.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 28, 1911.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bills Nos. 77, 78, 81, 99, 138, 198, 199, 200, 201, 205, 222, 224, 245, 246, 259, 269, 280, 281, 282, 283, 284, 285, 286, 288, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328, 329, 330, 331, 332, 333, 335, 341, 346, 405, 464, 465, 471, 476, 482, 506, 509, 551, 571, 592, 591, 604, 618, 629, 639, 632, 652, 662, 667, 670, 671, 677, 679, 692, 694, 706, 728, 750, 751, 752, 753, 754, 755, 756, 781, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 871, 889, 884, 885, 886, 889, 892, 926, 931, 938, 951, 954, 970, 983, 998, 999, 1000, 1002, 1003, 1004, 1012, 1011, 1045, 1048, 1069, 1070, 1078, 1080, 1081, 1103, 1106, 1107, 1108, 1109, 1110, 1111, 1129, 1130, 1131, 1143, 1163, 1164, 1169, 1174, 1182, 1183, 1186, 1187, 1190, 1195, 1198, 1201, 1202, 1206, 1207, 1209, 1212, 1213, 1214, 1218, and 1225.

Also: Senate Constitutional Amendments Nos. 4, 10, 11, 16, 19, 21, 33, 34, 40, 41, 46, and 54.

Also: Assembly Concurrent Resolution No. 19.

Also: Assembly Bills Nos. 1, 74, 140, 142, 277, 318, 381, 465, 471, 476, 477, 502, 525, 625, 656, 796, 800, 843, 855, 907, 908, 912, 919, 1059, 1121, 1286, 1297, 1309, 1327, 1366, 1404, 1439, 1440, 1441, 1442, 1443, 1509, and 1570.

Have had the same under consideration, and respectfully report the same back, without recommendation.

STETSON, Chairman.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bills Nos. 5, 23, 27, 29, 40, 42, 50, 58, 67, 68, 69, 70, 71, 72, 75, 100, 121, 122, 125, 126, 130, 131, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 230, 233, 519, 527, 555, 577, 578, 579, 580, 790, 890, 908, 919, and 920, have had the same under consideration, and respectfully report the same back, without recommendation.

RUSH, Chairman.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bills Nos. 373, 1000 and 399, and Assembly Bills Nos. 489 and 1395 have had the same under consideration, and respectfully report the same back, without recommendation.

LARKINS, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 463, have had the same under consideration, and respectfully report the same back, without recommendation.

STROBRIDGE, Chairman.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bills Nos. 1, 345, 353, 510, 605, 702, 872, 1089, and 1236

Also: Assembly Bills Nos. 45 and 512.

Also: Senate Concurrent Resolutions Nos. 6, 7, 14, and 17.

Have had the same under consideration, and respectfully report the same back without recommendation.

HURD, Chairman.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bills Nos. 53, 255, 270, 354, 397, 491, 503, 511, 553, 991, 993, 999, 759, 761, 992, 1017, 1136, 1142, and 1189, have had the same under consideration, and respectfully report the same back, without recommendation.

HEWITT, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bills Nos. 425, 495, 595, 702, 703, 765, 766, 767, 641, 869, 1024, 1033, 1056, 1082, 1135, 1161, 1204, 1259, 21, 206, 265, and 307.

Also: Senate Constitutional Amendment No. 44.

Also: Assembly Bills Nos. 968, 466, and 856.

Have had the same under consideration, and respectfully report the same back without recommendation.

ROSEBERRY, Chairman.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: The San Francisco Delegation, to whom was referred the following resolution by Senator Cassidy:

WHEREAS, The Panama-Pacific International Exposition is to be held in San Francisco in 1915; and

WHEREAS, The committee on site appointed by the board of directors of said exposition company is to report a selection from the various sites proposed for their consideration; and

WHEREAS, The California International Exposition (known as the Midwinter Fair) was held in Golden Gate Park, which site proved to be a most excellent one for such purposes; and

WHEREAS, The people of the State of California have subscribed the sum of five million dollars in aid of said Panama-Pacific International Exposition, by the adoption of Senate Constitutional Amendment No. 52; and

WHEREAS, The people of the State of California authorized said Panama-Pacific International Exposition Company to use and occupy that portion of Golden Gate Park, westerly from Twentieth avenue, as extended, for said exposition purposes, and placing such portion of said park under the control of said corporation, for such time as shall be necessary for such exposition purposes, and to use and occupy for such exposition purposes any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco, and not then in general use, and to open, close and occupy streets in said city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, by the adoption of Assembly Constitutional Amendment No. 33; therefore, be it

Resolved by the Senate of the State of California, That we recommend to the committee on site of the Panama-Pacific International Exposition Company and to the board of directors of said exposition company the above named location, to wit: That portion of Golden Gate Park westerly from Twentieth avenue, as extended, as a

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bills Nos. 308, 420, 612, and 624.

Also: Assembly Bills Nos. 116, 119, 118, 120, and 653.

Also: Assembly Constitutional Amendment No. 36.

Have had the same under consideration, and respectfully report the same back, without recommendation.

FINN, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bills Nos. 17, 46, 203, 204, 252, 481, 486, 613, 693, 733, 873, 989, 1022, 1023, 1030, 1071, 1075, 1126, 1149, 1165, and 1208, have had the same under consideration, and respectfully report the same back, without recommendation.

STROBRIDGE, Chairman.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Senator Bell, the President pro tem. declared the Senate at recess until twelve o'clock M.

RECONVENED.

At twelve o'clock M., the Senate reconvened.

Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and foodstuffs or fuel, or other merchandise or commodities, and providing for a penalty for violation thereof—and further state that a former report stating that said bill had passed, as amended, was incorrect.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

MOTION.

Senator Wolfe moved that Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and foodstuffs or fuel, or other merchandise or commodities, and providing for a penalty for violation thereof—be recalled from enrollment.

Motion carried.

MOTION.

Senator Wolfe moved that the Senate rescind its action in concurring in purported Assembly amendments to Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and foodstuffs or fuel, or other merchandise or commodities, and providing for a penalty for violation thereof—delivered to the Senate by the Assembly.

Motion duly seconded.

The question being on the motion to rescind.

The roll was called, and the motion carried, and the Senate rescinded

also to make an appropriation for the purchase of a site for the construction of the new school buildings, approved March 4, 1907, and a building an appropriation of \$100,000 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Also: Senate Bill No. 181—An Act to amend the law relating to the collection of debts of the several municipalities of the several counties and the collection of the State and County taxes and duties thereon.

Also: Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Also: Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to impose a fine upon the offender.

Also: Senate Bill No. 399—An Act granting certain lands and salt marsh and the waters of the State of California, with power to sell the same, and to convey to the State of California, and regulate the same, and to provide for the same.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a 'Fish and Game Preservation Fund' and unite the 'Fish Commission Fund' and the 'Game Preservation Fund' into a common fund to be known as 'Fish and Game Preservation Fund,'" approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Also: Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, transporting, and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Also: Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the county prison at San Quentin, the installation and equipment of an electric light and power plant at said prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Also: Senate Bill No. 680—An Act to amend Section 4236 of the Political Code, relating to officers and salaries in counties of the twenty-sixth class, and to amend Section 4235 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

Also: Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Also: Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Also: Senate Bill No. 1045—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Also: Committee Substitute for Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the incorporation of territory, to incorporate towns and cities, and for the incorporation of any detached territory, and for a part of such municipalities, and for the districting, government and taxation, control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one a, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Also: Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, relating to the taxation of property within any of such consolidated municipal corporations, for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Also: Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

Also: Senate Bill No. 1211—An Act to amend sections two and four of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Also: Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs therealong, betterments, appurtenances,

No. 925—An Act to amend section four thousand and forty-one of the Penal Code of California, relating to the general, permanent powers of the board of supervisors.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Senate Bill No. 925 ordered to enrollment.

PRESIDENT PRO TEM. BOYNTON IN THE CHAIR.

At four o'clock and five minutes p. m., Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11, and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

Also: Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a Railroad Commission and defining its powers and duties.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARLIN, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days.

Also: Senate Joint Resolution No. 28—Relative to the treatment by the Russian Government of its citizens by reason of their religious belief or political views.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 20 ordered to enrollment.

Senate Joint Resolution No. 28 ordered to enrollment.

Senate Constitutional Amendment No. 32 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Also: Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title three, part three of the Political Code, relating to the establishment of industrial, technical, and agricultural training in the public schools.

Also: Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other water ways where necessary, in aid of commerce, to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith.

Also: Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Also, Senate Bill No. 1030—An Act to amend Section 4147 of the Penal Code of California, relating to forgery.

Also, Senate Bill No. 1031—An Act to amend section four thousand and thirteen of the Political Code of the State of California.

Also, Senate Bill No. 1041—An Act to amend Section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1044—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1045—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

L. W. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 40, 402, 411, 413, 794, 1010, 1026, 1058, 1241, 1284, and 1297 ordered to enrollment.

Also—

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. FURNACE: I am directed by Informing Party that the Assembly on this day passed a bill to amend Section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1030—An Act to amend section four thousand and thirteen of the Political Code of the State of California.

Also, Senate Bill No. 1031—An Act to amend section four thousand and thirteen of the Political Code of the State of California.

Also, Senate Bill No. 1041—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1044—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1045—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1046—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1047—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1253—An Act to provide for the organization, control and equipment of work which shall be done by the members of the rifle practice teams, and to amend the laws of the State of California relating thereto.

L. R. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 100, 1028, 1066, 1079, 1083, 1085, and 1259 ordered to enrollment.

Also—

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. FURNACE: I am directed by Informing Party that the Assembly on this day passed a bill to amend Section 611 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1030—An Act to amend section four thousand and thirteen of the Political Code of the State of California.

Also, Senate Bill No. 1031—An Act to amend section four thousand and thirteen of the Political Code of the State of California.

Also, Senate Bill No. 1041—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1044—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1045—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1046—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1047—An Act to amend section 1039 of the Penal Code of the State of California, relating to the offense of carrying a dangerous weapon.

Also, Senate Bill No. 1253—An Act to provide for the organization, control and equipment of work which shall be done by the members of the rifle practice teams, and to amend the laws of the State of California relating thereto.

Also, Senate Bill No. 1254—An Act to provide for the organization, control and equipment of work which shall be done by the members of the rifle practice teams, and to amend the laws of the State of California relating thereto.

Also, Senate Bill No. 1255—An Act to provide for the organization, control and equipment of work which shall be done by the members of the rifle practice teams, and to amend the laws of the State of California relating thereto.

or under the control of any district agricultural association created hereby and receiving aid or support from the State of California.

Sec. 8. The board of directors of the district agricultural associations created hereby, and each of such board, in preparing their planting lists and in the offering of premiums for the annual fairs, exhibitions and expositions to be given by them as required hereby, shall classify the premiums to be offered for exhibits of agricultural, horticultural, viticultural and mechanical products, or of manufactures, or raising of forestry products, or live stock and dairy products in the same way as the same are offered and classified by the State Board of Agriculture in the same department, so that the classes shall be uniform for the State Fair, and each of the district agricultural association fairs provided for herein; *provided*, that such uniformity need not extend to the amount of the premiums to be offered.

Sec. 9. No fair passes shall be issued by the board of directors of the district agricultural association herein provided for, or by any of them, to the grounds of such associations during the fairs, exhibitions or expositions to be held by them, except to bona fide exhibitors and accepted newspaper correspondents, and all other persons shall be admitted thereto only upon paid admissions, to be uniformly and equally assessed.

Sec. 10. The place where in each of the agricultural districts herein provided for, the annual fair, exhibition or exposition hereby required shall be held located on ground which shall be agreed to, determined, located, fixed, bound and established each year as follows: Immediately after the appointment of the directors of the agricultural district herein shall meet and proceed to select some vacant piece of the agricultural lands herein provided for and locate, ground on which place the annual fair, exhibitions or expositions of such district shall thereafter be held. They shall select some vacant piece of ground which in view of all the circumstances they deem the best and most fit for the location and holding of such annual fair, exhibition or exposition; *provided*, that in case more than one piece in each district is fitted for the holding of such annual fair, they shall take their own complete tally, and the directors shall hold the fairs in that order. No place shall be selected by such directors as the place for holding such fair, exhibition or exposition unless adequate and sufficient grounds and buildings at such place, or site, or land, or property to the district agricultural association of that district, free of charge or cost, at such district association have been organized. If it has not been organized at the time of such selection, the directors of such buildings and grounds must be selected to be given and bound to be given to such district association free of charge or cost as soon as the same shall become organized. As soon as such directors shall have determined upon the place each year in each district which they so deem best for the holding of such fair, exhibition or exposition, and shall have secured free of charge to the agricultural association the said district the gift or lease of adequate and sufficient buildings and grounds, they shall thereupon designate said place as the place where, in said district, the next annual association of such district shall hold its annual fair, exhibition or exposition, and shall immediately notify the Governor of such selection and designation.

Sec. 11. All sums of money appropriated by the State for the support of the district agricultural associations herein provided for shall be paid to said associations and collected by them in the same manner in which sums now provided for the support of the State Board of Agriculture, or State Agricultural Society, are paid to and collected by it.

Sec. 12. The sum of seventy thousand (\$70,000) dollars is hereby appropriated for the purposes of this Act, said sum to be available during the sixty-fourth fiscal year and to be apportioned as follows:

| | |
|--|--|
| For aid to Agricultural District Number One, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Two, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Three, | two thousand (\$2,000) dollars; |
| For aid to Agricultural District Number Four, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Five, | four thousand (\$4,000) dollars; |
| For aid to Agricultural District Number Six, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Seven, | one thousand five hundred (\$1,500) dollars; |
| For aid to Agricultural District Number Eight, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Nine, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Ten, | three thousand (\$3,000) dollars; |
| For aid to Agricultural District Number Eleven, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Twelve, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Thirteen, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Fourteen, | two thousand (\$2,000) dollars; |
| For aid to Agricultural District Number Fifteen, | three thousand five hundred (\$3,500) dollars; |
| For aid to Agricultural District Number Sixteen, | two thousand (\$2,000) dollars; |
| For aid to Agricultural District Number Seventeen, | five thousand (\$5,000) dollars; |
| For aid to Agricultural District Number Eighteen, | two thousand (\$2,000) dollars; |

Sec. 13. All Acts and parts of Acts in conflict with this Act are hereby repealed."

AMENDMENT No. 14.

On page 8, Section 13, line 11, strike out the word "twenty-five", and insert in lieu thereof the word "thirty".

AMENDMENT No. 15.

On page 8, Section 14, line 4, strike out the word "fifteen", and insert in lieu thereof the word "six".

AMENDMENT No. 16.

On page 8, Section 16, line 9, strike out the word "badly".

AMENDMENT No. 17.

On page 9, strike out all of Section 18, and insert in lieu thereof a new Section 18, to read as follows:

"Sec. 18. Upon request or signal from any police officer, constable, or state deputy as provided for under this Act, any person operating a motor vehicle shall stop and give to such police officer, constable or deputy his name and address, the number of the motor vehicle, and the name and address of the owner thereof, and if such person operating such vehicle is a chauffeur he shall also give his registration number."

AMENDMENT No. 18.

On page 9, Section 19, line 1, after the word and figures "Sec. 19.", insert the following: "No person shall operate a motor vehicle upon any public highway of this State upon a bet, wager, or in a race, or for the purpose of making a record, except as hereinafter provided."

AMENDMENT No. 19.

On page 9, Section 20, line 4, after the word "one", insert the word "half".

AMENDMENT No. 20.

On page 9, Section 20, line 5, after the word "one", insert the word "half".

AMENDMENT No. 21.

On page 11, Section 24, line 5, after the word "registration", insert the following: "together with his photograph, of size approximately two and one half inches in width by three and one half inches in length,".

AMENDMENT No. 22.

On page 12, Section 28, line 6, after the word "chauffeur.", strike out all of the remainder of the section and insert in lieu thereof the following:

"Upon conviction of any chauffeur for the violation of any of the provisions of this Act or any provisions of the Penal Code relating to the operation of motor vehicles, it shall be the duty of the Secretary of State to suspend for such period, or to revoke, the license of such convicted chauffeur, as the court rendering the judgment may prescribe."

AMENDMENT No. 23.

On page 13, Section 31, line 11, after the word "offense", insert the following: "; provided, that nothing herein contained shall be construed to affect any provisions of the Penal Code relative to the operation of motor vehicles."

AMENDMENT No. 24.

On page 14, Section 32, line 8, strike out the word "treasury", and insert in lieu thereof the words "State Controller and State Treasurer".

AMENDMENT No. 25.

On page 14, Section 32, line 9, after the word "fund", insert the words "to be designated as the 'Motor Vehicle Fund,' which fund is hereby established, and".

AMENDMENT No. 26.

On page 14, Section 32, line 11, after the word "roads", insert the following: ", including county highways,".

AMENDMENT No. 27.

On page 15, Section 35, strike out all of line 22.

AMENDMENT No. 28.

On page 16, Section 35, line 23, strike out the word "each,".

AMENDMENT No. 29.

On page 16, Section 35, line 24, strike out the word "five", and insert in lieu thereof the word "two".

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Wolfe:

Resolved, That the State Printer be, and he is hereby, instructed to print 500 copies of the address by Senator Cartwright, delivered in the Senate March 24, 1911, in support of Senate Joint Resolution No. 26, together with said resolution, and that five copies of the same be forwarded by the Secretary of the Senate to each member of the Senate.

Resolution read, and adopted.

By Senator Stetson:

Resolved by the Senate of the State of California, That the State Printer be, and he is hereby, instructed to print 5,000 annotated and indexed copies of Assembly Bill No. 1385; and further be it

Resolved, That the Secretary of State be, and he is hereby, authorized to receive the same for public distribution, and that twenty copies of said bill be sent to each member of the Legislature; and further be it

Resolved, That the author of the bill and the introducer of the Senate companion bill be requested to assist in the annotating and indexing of said bill, such work to be performed without compensation.

Resolution read, and adopted.

By Senator Caminetti:

SENATE RESOLUTION.

Relative to aid from the Government of the United States for industrial education and the inauguration and establishment of a national university and department of education.

WHEREAS, The perpetuity of our form of government depends on the intelligence of a free and independent electorate and the ability of the people to meet the obligations of good citizenship in every sphere of human endeavor; and

WHEREAS, The people of the several states firm in this belief have established and maintained at great cost, public school systems, including normal and technical schools and universities, for the education and training of the youth of the republic; and

WHEREAS, The preservation of and the progress made under our free institutions, have been largely due to the education and training thus given; and

WHEREAS, There exists throughout the land a growing demand for more instruction in branches that will prepare pupils for industrial pursuits; and

WHEREAS, As results of education among the people are the natural benefits conferred upon all by an ideal American citizenship, so the expense attending its achievement should be proportionately shared by the nation and the several states; and

WHEREAS, The National Government should directly aid by a per capita appropriation to such grammar, secondary and technical schools in the several states as furnish instruction in industrial branches prescribed by Congress and by inaugurating and endowing at Washington, District of Columbia, a national university, to head the educational system of the Union; and

WHEREAS, The time is at hand in our history when the cause of education should be advanced to a paramount position in the Government of the United States by the creation of a department of education and the appointment of a secretary thereof with a seat in the cabinet; therefore, be it

Resolved by the Senate, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means to secure the aid set forth in the foregoing preamble and also the inauguration and establishment of a national university and department of education at Washington, District of Columbia; be it further

Resolved, That the Governor be, and he is hereby, directed to transmit a certified copy of these resolutions to the President of the United States, the President and Speaker, respectively of the Senate and House of Representatives of the United States, the Commissioner of Education and to each of our Senators and Representatives in Congress; be it further

Resolved, That the Governor be, and he is hereby, further directed to transmit a like copy to the Governor and Superintendent of Public Instruction, respectively, of each state and also to the presiding officers of the respective houses of the legislature of each state.

Resolution read and adopted.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

My School History

Abstract: When the State Lottery Co. had to be dissolved, it was decided to make a study of the State Lottery Co. and the programs of administration and how the system in the State could be improved or changed in the management and conduct of such lot. study will be published within a short time.

Resolution read and adopted.

187 (187-1)

At four o'clock and twenty minutes p. m., on motion of Senator Hall the President declared the Senate at recess until five o'clock p. m.

References

We give a brief account of the results mentioned.

Hon. A. F. Buxton, President pro tem of the Senate, in the chair.

MINIMUM FROM THE ASSOCIATE COST OF ORDER

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 27, 1911.

[illegible][illegible]

And request your honorable body to concur in the same.

L. B. MALLORY, Chief Clerk of the Assembly

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate adopt the following Assembly Committee Substitute for Senate Bill No. 412?"

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 412

An Act to amend the Act entitled "An Act relating to revenue and taxation, providing for the license tax on certain amusements, and making an appropriation for the purchase of land for the objects of this Act," approved March 20, 1905, and all Acts and resolutions amendatory thereof and supplementary thereto, by adding a new section relating to the disposition of the proceeds of the license tax and amending the provisions thereof, and defining the duties of certain officers in relation thereto.

The people of the State of California, represented in Senate and Assembly, do enact

SECTION 1. A new section to be known as Section 10a is hereby added to an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations," and making an appropriation for the purpose of carrying out the objects of the Act, approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, to read as follows:

Section 104. All taxes levied and collected under the provisions of this Act

up to the amount of one hundred thousand dollars annually, shall be paid into the treasury of the State for aid to college high schools to be apportioned by the Superintendent of Public Instruction and other officers thereto authorized by law, at the same per capita distribution that the state school moneys are apportioned for elementary schools, and all taxes levied and collected thereunder in excess of one hundred thousand dollars annually, except as otherwise provided by law, shall be paid into the state treasury to the credit of the General Fund thereof.

The roll was called, and the Senate adopted the above Assembly Committee Substitute for Senate Bill No. 412 by the following vote:

AYES—Senators Avey, Baban, Bell, Bills, Boynton, Bryant, Caminetti, Cassidy, Curtin, Estudillo, Finn, Gates, Haus, Hurd, Juilliard, Martinelli, Regan, Shanahan, Strobridge, Welch, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 412 ordered to enrollment.

The question being, "Shall the Senate adopt the following Assembly Committee Substitute for Senate Bill No. 413?"

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 413.

An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder," to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises," to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same, and defining the duties of certain officers in relation thereto.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder," to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises," to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, is hereby amended to read as follows:

Section 25. All taxes levied and collected under this Act shall be disposed of as follows:

First—Up to the amount of two hundred and fifty thousand dollars annually first collected under this Act each year, shall be paid into the treasury of the State, for the uses of the State School Fund, and all taxes levied and collected annually in excess of two hundred and fifty thousand dollars shall be paid into the treasury of the State for the following uses:

One hundred thousand dollars thereof annually for aid to grammar high schools, to be apportioned by the Superintendent of Public Instruction and other officers thereto authorized by law, at the same per capita distribution that state school moneys are apportioned for elementary schools, and the balance thereof annually, except as otherwise provided by law, to the credit and for the uses of the General Fund of the State.

The roll was called, and the Senate adopted the above Assembly Committee Substitute for Senate Bill No. 413 by the following vote:

AYES—Senators Avey, Bell, Bills, Boynton, Bryant, Barnett, Caminetti, Cassidy, Curtin, Estudillo, Gates, Haus, Hurd, Juilliard, Martinelli, Regan, Shanahan, Strobridge, Welch, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 413 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 2. A resolution to propose to the people of the State of California an

Also: Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the collection of the State tax upon the sale of apples and to provide for the collection of the State tax upon the sale of apples and to provide for the collection of the State tax upon the sale of apples and to provide for the collection of the State tax upon the sale of apples," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Also: Assembly Bill No. 1340—An Act to amend section four thousand 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

Also: Assembly Bill No. 1341—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

Also: Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Also: Assembly Bill No. 381—An Act to amend Sections 1, 2, 3, and 6 of an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and to add two new sections thereto, to be numbered Sections 5 and 6, and to renumber Sections 5, 6, 7, and 8 of said Act, all relating to the State Board of Charities and Corrections.

Also: Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Also: Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

Also: Assembly Bill No. 519—An Act to establish a state highway from the town of Folsom, in Sacramento County, California, to connect with the western terminus of Lake Tahoe wagon road, a state highway, at Smith's Flat, in the county of El Dorado, California, via Shingle Springs, El Dorado, and the city of Placerville; to define its course; to provide for its supervision, location, survey, construction, repair and maintenance, and to make an appropriation therefor.

Also: Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint an assistant deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Also: Assembly Bill No. 81—An Act to provide for the building, equipping, and maintaining of a new steam bath or hot and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping and maintaining of a new bath or hot and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Assembly Bill No. 550—An Act to provide for the erection and equipment of a building of the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing that the voters of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby voters of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1900.

Also: Assembly Bill No. 1329—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities, and upon property and right of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the use thereof, and providing a method for the payment of such bonds.

Also: Assembly Bill No. 9061—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the forty-eighth fiscal year, and making certain parts a priority, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved

Also: Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California, to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

Also: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Also: Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of sixty years, constituting a state hospital employees' pension board and making state appropriation to pay the pensions provided for in this Act.

Also: Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine," approved March 20, 1905, relating to state moneys.

Also: Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2635, providing for the naming of highways and avenues.

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers and excavations used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the sixteenth class.

Also: Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Also: Assembly Bill No. 159—An Act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnical School.

Also: Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Also: Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Also: Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Also: Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Also: Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Also: Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,' which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto, to be numbered 26."

Also: Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare immovable streams highways for the purpose of fishing, and providing for the use of the same.

Also: Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Also: Assembly Bill No. 798—An Act to amend Section 292 of the Civil Code of the State of California, relating to the subscription and acknowledgment of articles of incorporation.

Also: Assembly Bill No. 70—An Act to amend section fourteen hundred and six-

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX., Chapter I., relative to executions, by adding a new section thereto, to be known as Section 6816.

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relating to exceptions.

Also: Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Also: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to the duties of the Sheriff.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code, relating to the duties of the Sheriff.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of a building for the use of the Southern California State Prison.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing the grounds at outside of the Southern California State Prison.

Also: Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the enforcement thereof.

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

Also: Assembly Bill No. 293—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision, without Governor's approval, March 5, 1901, approved February 8, 1911, relating to the classification of municipalities.

Also: Assembly Bill No. 920—An Act to allow union high school districts to establish and maintain a library district, to provide for the formation, maintenance and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

Also: Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Also: Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 299a, relating to taking and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Also: Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered and intitled one a, relating to the enforcement of judgments in execution.

Also: Assembly Bill No. 951—An Act relating and granting to the board of park commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes.

Also: Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3451, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3467, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3454, 3455, and 3462 of the Political Code of the State of California, relating to reclamation and swamp land districts.

Also: Assembly Bill No. 234—An Act authorizing and directing the rehousing of the maids and men building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 94—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

THE GOVERNOR OF THE STATE IN THE SENATE.

At eleven o'clock P. M., his Excellency Governor Hiram W. Johnson appeared at the bar of the Senate.

The President of the Senate appointed Senators Caminetti, Strobridge, and Hewitt a committee to escort the Governor to a seat by the President of the Senate.

ADDRESS BY THE GOVERNOR.

At eleven o'clock P. M., the Governor briefly addressed the Senate.

RECESS.

At eleven o'clock and twenty minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eleven o'clock and twenty minutes P. M.

RECONVENED.

At eleven o'clock and twenty minutes P. M., the Senate reconvened. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and instructed to forward, postage or express prepaid, to each member of the Senate, after the adjournment of the Legislature, or as soon thereafter as practicable, three copies of the laws and statutes in chapter form of the thirty-ninth session of the Legislature; and be it further

Resolved, That the sum of one hundred (\$100.00) dollars be appropriated out of the Contingent Fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for packing and for express charges and postage for the transmission of the laws and statutes, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Also:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate the sum of two hundred and ninety dollars (\$290.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to Senators to their places of residence at the close of the session. The Sergeant-at-Arms of the Senate shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that said resolution be amended to read as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and instructed to forward, postage or express prepaid, to each member of the Senate, after the adjournment of the Legislature, or as soon thereafter as practicable, three copies of the laws and statutes in chapter form of the thirty-ninth session of the Legislature; and be it further

Resolved, That the sum of one hundred (\$100.00) dollars be appropriated out of the Contingent Fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for packing and for express charges and postage for the transmission of the laws and statutes, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Also:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Senate the sum of one hundred and seventy dollars (\$170.00) dollars, or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and express-

LIEUTENANT GOVERNOR ALBERT J. WALLACE IN THE CHAIR.

At eleven o'clock and thirty-five minutes P. M., Lieutenant Governor Albert J. Wallace, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889.

Also: Committee Substitute for Senate Bill No. 915—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also: Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Also: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XX, relating to term of office.

Also: Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Also: Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Also: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Also: Senate Joint Resolution No. 25—Relative to election of Senators of the United States by a direct popular vote.

Also: Senate Joint Resolution No. 27—Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

Also: Senate Bill No. 451—An Act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof.

Also: Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Senate Bill No. 445—An Act granting to the city of Los Angeles the tide lands and submerged lands of the State within the boundaries of the said city.

Also: Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unwholesome animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacturing and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Also: Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Also: Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also: Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Also: Committee Substitute for Senate Bill No. 1159—An Act to amend sections

anyone having charge of the same, and any person who shall be guilty of any such offense shall be liable to the same punishment as if he were guilty of the offense of which he is charged.

Also: Senate Bill No. 1243.—An Act to amend Section 4 of the Act approved March 26, 1906, entitled "An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education."

Also: Senate Bill No. 1244.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1245.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1246.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1247.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1248.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1249.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1250.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1251.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1252.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1253.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1254.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1255.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1256.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1257.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1258.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

Also: Senate Bill No. 1259.—An Act to amend the provisions of the Constitution of the State of California relating to the election of members of the State Board of Education.

CASSIDY, Chairman.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the appointment of Senators Strobbridge, Shanahan, Black, Thompson, and Estudillo as the special committee to make investigation, etc., regarding text-books used in common schools, and all further matters as may properly come before said committee, and to make their report to the Senate of the State of California at its fortieth session.

APPOINTMENT OF COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST CONSTITUTIONAL AMENDMENTS.

Announcement of committees to prepare arguments for and against the adoption of proposed Senate constitutional amendments and proposed Assembly constitutional amendments, in accordance with the provisions of an Act entitled "An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State of all amendments to the Constitution of the State of California proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election, and for the canvassing and return of the votes cast thereat," approved March 27, 1911, said proposed amendments to be voted upon at the special election to be held throughout the State of California, Tuesday, the tenth day of October, 1911.

Senate Constitutional Amendment No. 2: Senator Welch, author; Senator Larkins for majority (no minority vote).

Senate Constitutional Amendment No. 5: Senator Caminetti, author; Senator Shanahan for minority.

Senate Constitutional Amendment No. 6: Senator Caminetti, author; Burnett for majority, and Tyrrell for minority.

Senate Constitutional Amendment No. 8: Senator Bell, author, and Senator Sanford for minority.

Assembly Constitutional Amendment No. 6: Senator Burnett, as author of proposed Senate Constitutional Amendment No. 12, identical with Assembly Constitutional Amendment No. 6.

Senate Constitutional Amendment No. 17: Senator Cutten, author, and Senator Stetson for majority (no minority vote).

Senate Constitutional Amendment No. 20: Senator Hare, author; Senator Hewitt for majority, and Senator Roseberry for minority.

Senate Constitutional Amendment No. 22: Senator Gates, author; Senator Wright for minority.

Senate Constitutional Amendment No. 23: Senator Gates, author; Senator Curtin for minority.

Senate Constitutional Amendment No. 26: Senator Boynton, author; Senator Birdsall for majority (no minority vote).

Senate Constitutional Amendment No. 28: Senator Hewitt, author; Senator Roseberry for majority (no minority vote).

Senate Constitutional Amendment No. 32: Senator Welch, author; Senator Roseberry for majority (no minority vote).

Assembly Constitutional Amendment No. 33: Senator Boynton, as author of Senate Constitutional Amendment No. 34, identical with Assembly Constitutional Amendment No. 33.

Senate Constitutional Amendment No. 43: Senator Roscherry, author; Senator Thompson for majority (unanimously voted).

Senate Constitutional Amendment No. 44: Senator Parnett, author; Senator Wright for minority.

Senate Constitutional Amendment No. 45: Senator Bohan, author; Senator Steffen for majority (unanimously voted).

Senate Constitutional Amendment No. 46: Senator Hewitt, author; Senator Russell for majority (unanimously voted).

Assembly Constitutional Amendment No. 50: Senator Burnett as author of Senate Constitutional Amendment No. 53, identical with Assembly Constitutional Amendment No. 50.

RESOLUTION—COURT OF ORDER

The following resolution was introduced:

By Senator Thompson:

Be it enacted by the Senate, That the State Treasurer, through the legislative action of the State Treasury, be directed to submit to the Senate that the same may be used in connection with the existing and result of state insurance systems in the various nations and states, and to submit, with reports, official and general information relative to the working of such systems, and examination to be conducted by the Senate, and to be submitted for the benefit of labor in the State.

Be it further enacted, That the State Treasurer submit the result of such an examination to the Senate of the next Legislature.

Resolution read and adopted.

QUESTION OF PERSONAL PRIVILEGE

Senator Canfield arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I introduced Senate Constitutional Amendment No. 29 for the purpose of protecting, it seems to me, the privileges, as citizens, of the many Asiatics who are in our State, many of them of the Japanese. From authentic figures given, it would be found that there are, already, over 20,000 sons of Japanese, Chinese, Hindus, Malays, and others in this country. As we have a large number of them in our State, it is my opinion that we should "take time by the forelock,"

and should consider, before any nationality or race, the members of which, either in the United States, or of this State, were entitled to the privileges of citizens of California, that did I intend to prevent the sons of immigrants of such nationality from enjoying such privileges. And it was not my purpose to effect that purpose, but I am enjoying such privileges in this State.

The intent of Amendment No. 29 is to protect, in unmeasured terms, the proposed amendments, as they are, to itself. As I never intended, and said amendment did not intend, to prevent any of these people, I regret their sensitiveness. I have contented myself with the amendment, and I call attention to a coming evil; trusting that before the passing of the next Legislature an amendment can be prepared that will protect the same without endangering the rights of those who are entitled to the privileges of citizens under the National and State Constitution and the laws of the State.

RESOLUTION—COURT OF ORDER

The following resolution was introduced:

By Senator Thompson:

Whereas, it has been the custom of the Senate and the Assembly to prepare the amendments to bills and constitutional amendments at the desks of the Assembly and Senate, and send a printed bill, with interlined amendments, to the State Printer, to be printed by striking out from the bills, to the State

Whereas, there is nothing to guide the State Printer in his office as to the cor-

rectness of the amendments, except the copy sent to him from the desks of the Senate and Assembly. Therefore be it

Resolved, That it is the sense of the Senate, at the next meeting of the California State Legislature, a clerk be provided for the printing office who shall to an expert copy reader, and that a copy of the proposed amendments shall be sent to the printing office to be examined by the copy reader in order that the many mistakes which are now made from time to time at the desks may be caught and corrected in the office of the State Printer.

Resolution read, and referred to the holdover Committee on Rules.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER)

On motion of Senator Boynton, the following message from the Governor was taken up and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, March 27, 1911.

To the Legislature of the State of California.

In saying good-by to you at the close of the thirty ninth session of the Legislature of the State of California, I extend not alone to you, but to the people of the State of California, my congratulations. Never before has such weighty work been so well performed by any legislature; never has been evinced in the history of our State such a steadfastness of purpose and such fidelity to promises made to the people. No pledge given to the people of the State has by this Legislature been broken. Not a single promise is to night left unfulfilled. It is for this reason that I congratulate the people of the State of California on the Legislature whose session is now at an end, and so far as I can represent the people of the State of California, I extend to you their heartfelt thanks.

You may all be justly proud of the past thirty nine days, and of the tremendous strides that have been made governmentally during that period. But few now realize the transcendent importance of the work you have done. The record seems an impossible one. I recall to you some of the measures you have enacted, and the astounding accomplishment may be seen as they are grouped together:

1. The railroad bill, giving to the Railroad Commission power and authority to stand as a bulwark between the people and the transportation companies, together with a cognate constitutional amendment which will remove, it is hoped, the fear of judicial interpretation of the commission's authority and acts.

2. The initiative, referendum and recall, by Acts which have now become laws, granted to municipalities and to counties, and by constitutional amendment to be passed upon by the people, to be acceded to the State as well, if the people desire it.

3. The reform of the Australian ballot by which that ballot has been returned to its original purity.

4. A non-partisan judiciary, secured by a reform of the ballot, and the like non-partisan character of officers having in charge matters of education.

5. The direct primary law, curtailing the power of the people in the matter of nominations, and permitting the people what so long they have desired, practically an election of United States Senators by direct vote; and this in the most advanced form, known as the Oregon plan.

6. The employers' liability law, designed to permit without unreasonable delay, a fair recovery by the employee for injuries sustained, without injustice to the employer.

7. Conservation acts for the preservation of the natural resources of the State for all the people and for future generations.

8. A reformatory for first offenders, that humanity may enter into the treatment of the erring young and those who for the first time have been guilty of infractions of the law.

9. An eight-hour law for women, whereby our women are secured what in their weakness they have been unable to obtain, and what men long since obtained for men.

10. The prison bill, under the benevolent terms of which those convicted of crime may learn useful trades, and under which the State will so profit financially that ultimately the prisons, now costing the State more than half a million dollars annually, will maintain themselves.

11. Local option, that every community may for itself determine whether or not it desires in its midst the liquor traffic.

12. County home rule, bestowing upon the counties of the State what has always been their right, the government of themselves.

13. The Board of Control, by which the superannuated system of the State Board of Examiners will be abolished, and under which a healthy supervision of the State institutions may be exercised and proper methods of accounting on a business basis may be installed.

14. The highway act, for good roads in the State of California, then presents

Also: Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 1138—An Act to amend Sections 1240, 1241, and 1248 of the Code of Civil Procedure of the State of California, and to add a new section thereto to be designated as Section 1247a, all relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Also: Senate Bill No. 735—An Act to provide for the payment by cities of the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public services and other corporations for the benefit of the State, all relating to revenue and taxation."

Also: Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Also: Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

Also: Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Also: Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor", approved March 18, 1905, relating to slash burning.

Also: Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams and for acquiring land for necessary rights of way.

Also: Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Also: Committee Substitute for Senate Bill No. 9—An Act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing and making returns of the votes therefor, providing the method of notifying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor.

Also: Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide means therefrom for game and fish preservation and restoration; and to repeal an Act entitled, "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November, in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirtieth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as said Constitution was amended November 8, 1910, providing for the separation of State from

Also: Senate Bill No. 1026—An Act to amend section 1247 of the Penal Code of California, relating to appeals.

Also: Senate Bill No. 1030. An Act to amend section two hundred and forty-nine of the Code of Civil Procedure of the State of California.

Also: Senate Concurrent Resolution No. 20. Relative to the consent of the Legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days.

Also: Senate Constitutional Amendment No. 22. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Also: Senate Bill No. 1028. An Act to provide for the incorporation, organization, and management of municipal water districts.

Also: Senate Bill No. 648. An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibits, loans and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith.

Also: Assembly Committee Substitute for Senate Bill No. 412. An Act to amend an Act entitled "An Act relating to license and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax assessed under the provisions thereof, and defining the duties of certain officers in relation thereto.

Also: Assembly Committee Substitute for Senate Bill No. 413. An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds," to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder, to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act, approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same, and defining the duties of certain officers in relation thereto.

Also: Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State university; and also to provide for the permanent support and improvement of the University of California, and to that end making a continuing appropriation and creating an annual fund therefor, and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

Also: Senate Joint Resolution No. 28. Relative to the treatment by the Russian government of its citizens, by reason of their religious belief or political views.

Also: Senate Bill No. 1006. An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds," to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all amendments thereto and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1273. An Act to provide for the organization, control and equipment of high-speed motor companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Also: Senate Bill No. 1281. An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund and general road fund for post, bridge, and tunnel constructions, repair, and purchase.

Also: Senate Bill No. 1284. An Act granting relief to companies by extending

RECESS.

At eleven o'clock and fifty-six minutes p. m. the President pro tem. declared the Senate at recess until eleven o'clock and fifty-seven minutes p. m.

RECONVENED.

At eleven o'clock and fifty-seven minutes p. m., the Senate reconvened. Hon. A. E. Boynton, President pro tem. of the Senate, in the chair.

COMMUNICATION FROM THE ASSEMBLY.

An Assembly committee, Mr. Kehoe, chairman, appeared at the bar of the Senate, and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

REPORT OF SPECIAL COMMITTEE.

Senators Hewitt, Caminetti, and Strobridge, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

REPORT OF SENATE COMMITTEE.

Senator Thompson, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he had no further communication to present to the Senate.

APPROVAL OF JOURNALS.

The Journals of Sunday, March 26th, and Monday, March 27th, 1911, having been corrected, were read and approved.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock midnight, in accordance with the provisions of Senate Concurrent Resolution No. 16, Hon. Albert E. Boynton, President pro tem. of the Senate, declared the thirty ninth session of the Senate of the State of California adjourned *sine die*.

ALBERT J. WALLACE

President of the Senate.

ALBERT E. BOYNTON,

President pro tem. of the Senate.

WALTER N. PARRISH,

Secretary of the Senate.

R. H. JACKSON,

Minute Clerk of the Senate.

WALLACE COLLINS,

Journal Clerk of the Senate.

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